

T H E
L A W S and A C T S
 Made in the SIXTH SESSION of the FIRST
P A R L I A M E N T
Of Our Most High and Dread SOVERAIGN
W I L L I A M,

*By the Grace of GOD, KING of SCOTLAND,
 ENGLAND, FRANCE, and IRELAND,
 Defender of the Faith.*

Holden and Begun at EDINBURGH, September 8. 1696.
 By JOHN Earl of Tullibardine, Viscount of Glen-Almond, Lord
 Murray; And Principal Secretary of State for the Kingdom of
 SCOTLAND.

His Majesties High Commissioner for Holding the same,
 By Vertue of a COMMISSION under His Majesties Great Seal of
 this KINGDOM.

With the special Advice and Consent of the Estates of Parliament.

*Collected and Extracted from the Registers and Records of Parliament, by
 CHARLES Earl of SELKIRK, &c. Clerk to His Majesties
 Council, Exchequer, Registers and Rolls, &c.*



E D I N B U R G H,
 Printed by the Heirs and Successors of Andrew Anderson, Printer to His
 most Excellent Majesty, Anno DOM. 1696.

C U M P R I V I L E G I O.

THE
LAW
AND
ACTS

PRINTED BY THE

PARLIAMENT

OF GREAT BRITAIN

WILLIAM

THE FOURTH

OF HIS MAJESTY

IN THE FIRST

OF HIS MAJESTY'S MOST EXCELLENT PARLIAMENT
ASSEMBLED: IN THE FIRST YEAR OF HIS MAJESTY'S
SAID MAJESTY'S FOURTH YEAR: IN THE FIRST
OF HIS MAJESTY'S MOST EXCELLENT PARLIAMENT
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EDINBURGH:
Printed by the Printer and Stationer of Andrew Anderson, Printer to His
Most Excellent Majesty, Anno DOM. 1866.

COMPRINTEGION



LAWS and ACTS

Made in the SIXTH SESSION of the FIRST

PARLIAMENT

Of Our Most High and Dread SOVERAIGN

WILLIAM,

*By the Grace of GOD, KING of SCOTLAND,
ENGLAND, FRANCE, and IRELAND,
Defender of the Faith.*

Holden at EDINBURGH the 8th Day of September, 1696.

I.

*ACT anent the Supply of Eighteen Months Cess,
upon the Land-Rent.*

September 25. 1696.



THE ESTATES OF PARLIAMENT Considering the State of the long continuing War, wherein His Majesty and His Kingdoms are so necessarily Engaged ; As also the Present Posture and Condition of this Kingdom, and of the Forces therein kept up, for its Defence and Security : All which require New Supplies for their Maintainance. Do therefore, Humbly and Cheerfully, for Themselves, and in Name of
A this

this Kingdom whom they Represent, Make Offer to His Majesty of a Supply of Twelve Hundred, Fourscore Sixteen Thousand Pounds, extending to Eighteen Months Cels; Which New Supply is to be Raised and Uplifted out of the Land-Rent of this Kingdom, in the same Manner, and Conform to the Proportions of the Shires and Burghs, contained in the sixth Act, second Session, and the seventh Act, fifth Session of this Current Parliament, Dated the seventh of *June* One Thousand Six Hundred and Ninety Years, and twenty of *June* One Thousand Six Hundred and Ninety Five Years, Providing always that the Proportions of Burghs be Rated and Payed, as their Tax Rolls now is, or shall be settled by themselves, and this Supply to be Payed at the Terms following, *Viz.* Two Months Cels at the Term of *Martinmas* One Thousand Six Hundred and Ninety Six, and Two Months Cels at the Term of *Candlemas* One Thousand Six Hundred and Ninety Seven, other Two Months Cels at the Term of *Whitsunday* One Thousand Six Hundred and Ninety Seven, and other Two Months Cels at the Term of *Lambmas* One Thousand Six Hundred Ninety Seven, and other Two Months Cels at the Term of *Martinmas* One Thousand Six Hundred and Ninety Seven, and Two Months Cels at the Term of *Candlemas* One Thousand Six Hundred and Ninety Eight, and other Two Months Cels at the Term of *Whitsunday* One Thousand Six Hundred and Ninety Eight, and other Two Months Cels at the Term of *Lambmas* One Thousand Six Hundred and Ninety Eight, and Two Months Cels at the Term of *Martinmas* One Thousand Six Hundred and Ninety Eight; being the Sum of One Hundred and Fourty Four Thousand Pounds, at each of the saids Nine Terms. And His Majesty Considering, That this Supply is Granted for such a necessary Use, Doth with Advice and Consent of the Estates of Parliament, Declare, That no Person, or Persons, shall be Exempted from Payment of their Proportions of this Supply for their Lands, upon any pretext whatsoever, excepting mortified Lands, and the Lands of *Newmilns*, belonging to the Wollen Manufactory there; For which mortified Lands, and Lands of *Newmilns*, Deduction is to be allowed in the *Quota* of the respective Shires; Notwithstanding of any former Law, Privilege, or Act of Parliament in the contrair: And His Majesty, with Advice and Consent foresaid, doth Nominat and Appoint the same persons who are named in the foresaids Acts of Parliament, who are alive, and have qualified themselves according to Law, or shall qualify themselves betwixt and the first *Tuesday* of *November* next to come, and such others as shall be nominat in this present Session of Parliament, to be Commissioners for Ordering and Uplifting this Supply, with the same Power to them to choise their own Clerk, and to do every thing that may concern the said Supply, as is Prescribed and Appointed by the saids Acts, holding the same as repeated herein; And Ordains the same Execution to pass for in-bringing thereof, as is provided by the saids Acts in all Points: And Ordains the first Meeting of the saids Commissioners for the Shires, to be at the respective Head-burghs thereof, the last *Tuesday* of *October* next to come; And requires the Sheriffs and Stewarts, or their Deputs to intimat the same to the Commissioners of the respective

pective Shires and Stewartries, with Power to them to Appoint the subsequent Diets of Meeting, and their Conveener from time to time, and also to Appoint Collectors, with sufficient Caution as they shall think fit, and commits to His Majesties Privy Council, upon the Death, or not Acceptance of any of the Commissioners of Supply appointed by this Act, to Nominat and Appoint others in their Places, and to add such other Persons to be Commissioners as they shall think fit; And His Majesty with Advice and Consent foresaid, does Declare, that all Clauses contained in the former Acts of Parliament and Convention of Estates, in relation to the in-bringing of the Cels and Quartering, and anent Riding-Money, shall stand in full Force as to this Supply now imposed in the same manner, as if they were inserted herein, except in so far as these Acts of Parliament or Convention are innovat or altered by the foresaid sixth and seventh Acts of the second and fifth Sessions of this current Parliament: And it is hereby Declaired that no Persons liable in payment of this Supply, shall be holden to produce their Discharges nor Receipts of the same after three years, from the respective Terms of payment, unless Diligence be done by Denunciation before elapsing of the saids three years, and because by the Supply hereby granted, the Land-Rent and Burghs of this Kingdom are only burdened, and it being just that the personal Estates in Money should bear some Proportion of the Burden: Therefore His Majesty with Advice and Consent foresaid, Statutes and Ordains, that every Debitor owing Money within the Kingdom at six per cent of Interest, shall in the payment of his Annualrents for one year and a half, have Retention in his own hands of one of six per Cent of the saids Annualrents; And this Retention to be for the said year and a half, viz. From *Martinmas*, in the year One thousand six hundred and ninety six, to the Term of *Whitsunday* One thousand six hundred ninety eight. And it is hereby Declaired, that it shall be Usury for any Creditor not to grant the said Retention; As also, it is furder Declaired, that nothing in this Act shall prejudge Manufactories of any Priviledge of Exemption they have by special Acts of Parliament.

Follows the Quota of Supply, payable Monthly by the several Shires of the Kingdom.

THe Sheriffdom of *Edinburgh*, the sum of three thousand one hundred and eighty three Pounds, eight shillings *Scots* money Monthly.

The Sheriffdom of *Haddington*, the sum of two thousand seven hundred and eighty two Pounds, six shillings.

The Sheriffdom of *Berwick*, the sum of two thousand eight hundred and thirteen Pounds, one shilling.

The Sheriffdom of *Roxburgh*, the sum of three thousand six hundred and eighty six Pounds, seventeen shillings, six pennies.

The Sheriffdom of *Selkirk*, the sum of nine hundred and four Pounds, nine shillings.

The Sheriffdom of *Peebles*, the sum of one thousand and fourty two Pounds, eight shillings.

The Sheriffdom of *Lanerk*, the sum of three thousand and ninety one Pounds, twelve shillings.

The Sheriffdom of *Dumfreis*, the sum of two thousand seven hundred and twelve Pounds, seventeen shillings.

The Sheriffdom of *Wigtoun*, the sum of one thousand and four Pounds, fifteen shillings.

The Stewartry of *Kirkcudbright*, the sum of one thousand six hundred and seventy four Pounds, eleven shillings.

The Sheriffdom of *Air*, the sum of three thousand eight hundred and seventy Pounds, five shillings.

The Sheriffdom of *Dumbartoun*, the sum of seven hundred and sixty four Pounds, ten shillings.

The Sheriffdom of *Bute*, the sum of three hundred and eight Pounds, eight shillings, and eight pennies.

The Sheriffdom of *Renfrew*, the sum of one thousand three hundred and fifty three pounds, seven shillings.

The Sheriffdom of *Striviling*, the sum of one thousand seven hundred and fifty four pounds, four shillings, and six pennies.

The Sheriffdom of *Linlithgow*, the sum of one thousand one hundred and sixty nine pounds, eighteen shillings.

The Sheriffdom of *Perth*, the sum of five thousand and thirty eight Pounds, fourteen shillings.

The Sheriffdom of *Kincardin*, the sum of nine hundred and eighty four Pounds, one shilling.

The Sheriffdom of *Aberdeen*, the sum of four thousand and seventy seven Pounds, nineteen shillings.

The Sheriffdom of *Inverness*, the sum of one thousand two hundred and thirteen Pounds, one shilling, and six pennies.

The Sheriffdom of *Ross*, the sum of one thousand one hundred and thirty one Pounds, six shillings.

The Sheriffdom of *Nairn*, the sum of two hundred and seventy seven Pounds, sixteen shillings.

The Sheriffdom of *Cromarty*, the sum of two hundred and fourteen Pounds.

The Sheriffdom of *Argile*, the sum of one thousand nine hundred and fourty seven Pounds, ten shillings, and nine pennies.

The Sheriffdom of *Fife* and *Kinross*, the sum of five thousand one hundred and seventy two Pounds.

The Sheriffdom of *Forfar*, the sum of three thousand two hundred and seventy three Pounds, fifteen shillings.

The Sheriffdom of *Bamff*, the sum of one thousand one hundred and fifty Pounds, four shillings.

The Sheriffdom of *Sutherland*, the sum of three hundred and thirty six Pounds.

The

The Sheriffdom of *Caithness*, the sum of five hundred and ninety nine Pounds, five shillings.

The Sheriffdom of *Elgin*, the sum of one thousand and fifty nine Pounds, five shillings.

The Sheriffdom of *Orkney* and *Zetland*, the sum of one thousand and eighty eight Pounds, ten shillings,

And the Sheriffdom of *Clackmannan*, the sum of three hundred and fifty two Pounds, seven shillings and three pennies *Scots* Money.

*Follows the Quota of Supply, payable Monthly by the
several Burghs of the Kingdom.*

THe City of *Edinburgh*, the sum of three thousand eight hundred and eighty Pounds *Scots* Monthly.

The Burgh of *Perth*, the sum of three hundred and sixty Pounds.

The Burgh of *Dundee*, the sum of five hundred and sixty Pounds.

The City of *Aberdeen*, the sum of seven hundred and twenty six Pounds.

The Burgh of *Stirling*, the sum of one hundred and seventy two Pounds.

The Burgh of *Linlithgow*, the sum of one hundred and fifty six Pounds.

The City of *St. Andrews*, the sum of seventy two Pounds.

The City of *Glasgow*, the sum of one thousand and eight hundred Pounds.

The Burgh of *Air*, the sum of one hundred and twenty eight Pounds.

The Burgh of *Haddington*, the sum of one hundred and ninety two Pounds.

The Burgh of *Dysart*, the sum of thirty Pounds.

The Burgh of *Kirkcaldy*, the sum of two hundred and eighty eight Pounds.

The Burgh of *Montrose*, two hundred and fourty Pounds.

The Burgh of *Couper*, one hundred and eight Pounds.

The Burgh of *Anstruther-Easter*, eighteen Pounds.

The Burgh of *Dumfries*, the sum of two hundred and thirty Pounds.

The Burgh of *Inverness*, the sum of one hundred and eighty Pounds.

The Burgh of *Burnt-Island*, the sum of seventy two Pounds.

The Burgh of *Innerkeithing*, the sum of thirty Pounds.

The Burgh of *Kinghorn*, the sum of fourty two Pounds.

The Burgh of *Breichin*, the sum of fifty four Pounds.

The Burgh of *Irwine*, the sum of sixty Pounds.

The Burgh of *Fedburgh*, the sum of one hundred and two Pounds.

The Burgh of *Kircudbright*, the sum of thirty six Pounds.

The Burgh of *Wigton*, the sum of thirty six Pounds.

The Burgh of *Dumfermling*, the sum of ninety Pounds.

The Burgh of *Pittenweem*, the sum of thirty Pounds.

The Burgh of *Selkirk*, the sum of seventy two Pounds.

The Burgh of *Dumbarton*, the sum of thirty Pounds.

The Burgh of *Renfrew*, the sum of thirty six Pounds.

The Burgh of *Dumbar*, the sum of sixty Pounds.

The Burgh of *Lanerk*, the sum of sixty Pounds.
 The Burgh of *Aberbrothock*, the sum of fifty four Pounds.
 The Burgh of *Elgin*, the sum of one hundred and thirty eight Pounds.
 The Burgh of *Peebles*, the sum of sixty six Pounds.
 The Burgh of *Crayl*, the sum of thirty six Pounds.
 The Burgh of *Tain*, the sum of thirty Pounds.
 The Burgh of *Culross*, the sum of twenty four Pounds.
 The Burgh of *Bamff*, the sum of fourty two Pounds.
 The Burgh of *Whythorn*, the sum of eight Pounds.
 The Burgh of *Forfar*, the sum of twenty four Pounds.
 The Burgh of *Rothsay*, the sum of thirty Pounds.
 The Burgh of *Nairn*, the sum of nine Pounds.
 The Burgh of *Forres*, the sum of twenty four Pounds.
 The Burgh of *Rutherglen*, the sum of twelve Pounds.
 The Burgh of *North-Berwick*, the sum of six Pounds.
 The Burgh of *Anstruther-Wester*, the sum of six Pounds.
 The Burgh of *Cullen*, the sum of eight Pounds.
 The Burgh of *Lauder*, the sum of thirty Pounds.
 The Burgh of *Kintore*, the sum of nine Pounds.
 The Burgh of *Annamd*, the sum of twelve Pounds.
 The Burgh of *Lochmaben*, the sum of eighteen Pounds.
 The Burgh of *Sanguhar*, the sum of six Pounds.
 The Burgh of *New-Galloway*, the sum of six Pounds.
 The Burgh of *Kilrenny*, the sum of eight Pounds.
 The Burgh of *Fortrose*, the sum of eighteen Pounds.
 The Burgh of *Dingwal*, the sum of eight Pounds.
 The Burgh of *Dornock*, the sum of eighteen Pounds.
 The Burgh of *Queens-ferry*, the sum of fifty four Pounds.
 The Burgh of *Inveraray*, the sum of twenty four Pounds.
 The Burgh of *Inverury*, the sum of twelve Pounds.
 The Burgh of *Week*, the sum of twenty Pounds.
 The Burgh of *Kirkwal*, the sum of seventy two Pounds.
 The Burgh of *Inverbervy*, the sum of six Pounds.
 The Burgh of *Stranraer*, the sum of twelve Pounds.

Mr. John Buchan Agent for the Burrows to make up the Quota
 for the Burrows, One Thousand Two Hundred Pounds Scots.

Follows the Commissioners of Supply, given in by the
 Noblemen and Commissioners for the several Shires,
 as was Ordered in Parliament.

For the Shire of Edinburgh.

Baily Calderwood, James Deans of Wodehoullie, Wat
 of Rosehill, Alexander Gibson of Bromhill, Mr. David Pitcairn
 of

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of Dregorn, Mr. George Alexander of Pepper-miln, Sir Jame Steuart of Good-trees, Lord Advocat, Jasper Johnston of Waristoun Laird of Bavela, Laird of Lymphoy, Trumbel of Currie.

For the Shire of Haddingtoun.

Robert Sinclair *younger* of Lochend, James Hamilton of Hedderwick Hay of Lethem, Sir George Brown of Colstoun, Sydeferrf of Colledge-head, the Laird of Dryburn-foord *younger*, the Laird of Humby *younger*, Sir James Hall of Dunglafs, the Laird of Fountainhall *younger*.

For the Shire of Berwick.

Sir James Hall of Dunglafs, Patrick Hume of Restoun, Sir George Lawder of Idingtoun, John Belfhes of Tofts, George Hume *younger* of Wedderburn, William Hog *younger* of Harcars, Alexander Cockburn of Ladykirk, Walter Home *younger* of Bassenden, George Home of Kaims, Major Cockburn in Duncce, Craw of Nether-byers, William Cockburn of Caldrow, Dickson of Belchefters, Andrew Hume of Burn-houfes, Mark Ker of Houndwood, the Baillie for the time, being of the Bailliary of Lauderdale.

For the Shire of Roxburgh.

Lord Cranston, Sir Gilbert Eliot of Heidshaw, James Scot of Galla, Mr. William Simpson of Sharplaw, William Cairncrose of Langlie, Major James Murray of Chirre-trees, William Ker of Newtoun, Dougla's of Bonjedburgh, William Douglass of Cunziartoun, Robert and Archibald Bennets *elder* and *younger* of Chesters, Robert Scot of Hassen-den, Francis Scot of Newtoun, and William Scot of Burnhead.

For the Shire of Peebles.

William Dowglass of Garwel-foot *younger*.

For the Shire of Lanerk.

Lord John Hamilton, the Laird of Lee, the Laird of Stonne-byers, John Sinclar *younger* of Stevenston, Archibald Hamilton of Haggis, Alexander Menzies *younger* of Culteraws, Thomas Inglis of Murdingstoun, the Laird of Bredisholm *younger*, the Laird of Garnkirk, John Crawford of Milntoun, William Menzies of Sornfalla, William Lockhart of Wicket-shaw, John Hamilton of Eldershaw, John Brown of Culter-mains, William Lockhart of Birkhill, Mr. Robert Somervell of Woolfrods, Claud Mackmorton

Mackmorron of Glespen, Major James Weir of Kirkfield, Archibald Nisbet of Carfin, Robert Hamilton *younger* of Wishaw, Sir John Schaw of Greenock, John Colquhoun *younger* of Kenmuire, John Wardrop of Easter-horn, John Stark of Auchinvole, James Hamilton of the Green, Robert Cunninghame of Gilbertfield *younger*, James Hamilton of Blanterfarm, Gavin Hamilton of Hill.

For the Shire of Drumfreis.

James Duke of Queensberry, William Earl of Annandale, John Earl of Carnwath, Sir Alexander Jerden of Applegirth, Sir Thomas Kilpatrick of Closburn, Thomas Kilpatrick of Closburn *younger*, Sir James Johnston of Westeraw, Sir Robert Lawry of Maxwelltown, the Laird of Kellhead *younger*, the Laird of Dornock, the Laird of Hollmains, the Laird of Crawfurdstoun, the Laird of Elieheshiels, the Laird of Colpinoch, the Laird of Carnfalloch, the Laird of Craigs, the Laird of Westeraw *younger*, the Laird of Lockerbie, the Laird of Drumerieff, the Laird of Dormont, the Laird of Breadkirk, the Laird of Enoch, the Laird of Eccles, the Laird of Grantoun, the Laird of Dalswintoun, the Laird of Cow-head, the Laird of Middlbee, Mr. David Douglass Advocat Sheriff-Deput of *Drumfreis*, the Laird of Colistoun, the Laird of Barjurg, the Laird of Croglan *younger*, Mr. Alexander Ferguson of Isle Advocat, the Laird of Waterfide, James Grierison of Dalgoner, Mr. John Cunninghame of Birkshaw, Tutor of Craigdarroch, the Laird of Caisloch, the Laird of Hoddorn, the Laird of Friershaw, James Kirk of Bogrie, Robert Maxwell of Steiltoun, James Scot of Johnstoun, Eliots *elder* and *younger* of Arkletoun, Mr. John Laing of *Wester-keir*, the Dutches of Buckleughs Baillie and Chamberlane for the time, William Dowglas, Son to Archibald Dowglas of Fingland, George Johnston of Girsheid, William Johnstoun of Beirholm.

For the Shire of Air.

Mr. John Campbel of Shankstoun, Mr. Allan Cathcart, Son to the Master of Cathcart, the Laird of Perstoun *younger*, the Laird of Shewaltoun, the Laird of Garlung, John Cunninghame of Caddel, John Montgomery of Bridge-end, George Montgomery of Bridge-end *younger*, Heugh Muir of Auchengrain.

For the Shire of Dumbartoun.

The Earl of Argile, my Lord Wigtoun, my Lord Boyd, Kilburnie, Kilmaronock, Houftoun, Lufs, Archibald Macaulay of Ardincaple, Nicol and Robert Bunteins of Airdoch, the Laird of Macfarlane, the Laird of Carrick, Hamilton of Barns, John Dowglas of Mains, Commissar Smallet, Collin Campbel of Ardintainie, William Colquhoun of Craigtoun

Craigtown, John Spreull of Milnetoun, Alexander Gartshore of Gartshore, John Carmichael Chamberlain to the Earl of Wigtoun, Hugh Crawford of Clober-hill, John Colquhoun of Middletoun, John Bontein of Giltoun, John White-hill of Keppoch, the Laird of Garfcaden, Walter Buchannan of Auchnitossan.

For the Shire of Bute.

The Earl of Argile, Boyl of Kelburn, Hector Bannatyne of Kaims, Mr. Robert Steuart Advocat Uncle to the Sheriff of Bute, the Lairds of Ascog elder and younger, the Laird of Kilcattin, John Campbell Captian of Dunoon, Patrick Campbell of Kilmichael, Ninian Bannatyne of Kirrelemont, Robert Bannatyne younger of Lubas, James Boill of Bellikeun, Doctor William Stuart of Ambriesmore, Neil Bannatyne of Ambriesmore, Bannatyne of Gleiknebees, Stuart of Ardicaplie, Melcherrane of Ardicaplie, Gildow Maca of Garachrie, James Mackonochie of Ambriesbeg, Mackpherson of Kiretonlay, Mackudeys elder and younger of Kirremenock the young Baron of Leniwhilling.

For the Shire of Renfrew.

Sir William Stuart of Castle-milk, the Laird of Blackhall younger, Archibald Bannatyne of Kellie, William Cunninghame of Cairneuzzane, Charles Stuart of Race, Sir William Semple, Hamilton of Barr, the Laird of Kilburnie.

For the Shire of Stirling.

The Earl of Arran, the Earl of Argile, the Earl of Marr, the Earl of Buchan, the Earl of Wigtoun, the Lord Elpingston, Lieutenant Collonel John Erskine, the Laird of Polmais, the Laird of Touch, Sir Alexander Hope of Kerse, Sir Alexander Monro of Bear-Crofts, James Livingston of West-Quarter, George Stirling of Herbertshire, Rollo of Pow-houfe, the Laird of Gargunnoch, the Laird of Boquhan, Alexander Naiper of Culcreuch, John Erskin of Balgounie, Henry Rollo of Woodside, William Livingston of Green-Yards, John Cunningham of Ballandalloch, John Callander of Craigforth, James Graham of Bochlyvie, William Eroun of Seabegs, Sir John Erskin of Alva, Robert Gourlay of Kipdarroch, John Buchannan of Carbeth, Leckie of Deschers, Moir of Leckie, John Lennox of Wood-head Elder, William Lennox of Woodhead Younger, Kincaid of that ilk, George Lindsey of Boguharadge, Glas of Sauchy, the Lairds of Bannock-burn Elder and Younger, Alexander Colquhoun of Glinns, Naiper of Ballakincairn, the Laird of Carden, Mr. Thomas Naiper of Bellichairn,

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Fellichairn, the Laird of Quarrel, the Laird of Kinnaird, the Laird of Lufs,
 John Hamilton of Pardouie, Row of Innerallan, the Laird
 of Greenock, the Laird of Mochrum, Sir John Houstoun of that ilk, Charles
 Bennet of Easter Levilands, Murray of Wester Levilands, John
 Wordie of Torbrex, Burnet of Craigie, Graham
 of Killiarne, Buchanan of Arnpryor, David Graham of
 Meiklewood, Forsyth of Garvel, John Christieson Porti-
 oner of Cornetoun, James Galbraith of Balgair, the Lord Forrester, the
 Laird of Bedlormie, George Buchanan of Bellachrum. Thomas Bu-
 channan of Boquhan, John Buchanan of Graigievairn, Walter Buchan-
 nan of Balfinning, John Mclauchlan of Auchintroig, Duncan Buchan-
 nan of Harperstoun, John Forrester of Pardovan, David Forrester of
 Denovan, John Cuithle of Stonie-wood, James Rankin of Balmilzean,
 Thomas Crauford of Mannelmilne, John Champbel Younger of Dowan,
 Robert Forrest of Bank-head, Robert Hay of Candee, Archibald Naiper
 of Bankel, John Rois of Neuck.

For the Shire of Linlithgow.

Sir William Hamilton of Whitelaw, Henry Sinclair of Carlourie, Mr.
 Robert Stuart of West-binny Advocat, Andrew Paterfon of Kirktown,
 Thomas Dalziel younger of Binns, James Hamilton of Bangour, the Laird
 of Blackcraig.

For the Shire of Perth.

The Earl of Buchan, the Earl of Northesk, the Laird of Menstrie,
 Patrick Murray of Dollary, James Herron of Callie, Alexander Blair of
 Corbs, Alexander Robertson of Fascalie, Captain James Menzies Tutor
 to the Laird of Weym, Sir William Preston of Valleyfield, Sir Thomas
 Murray of Glendovick, Mr. William Erkin Governour of Blackness, Mr.
 John Erskin of Carridden, the Laird of Monzie, the Laird of Ednample
 younger, Mr. James Drummond of Comry, John Drummond of Newton,
 the Laird of Leuchat, Colin Campbell of Locklane, David Murray of
 Arbeny, James Campbell of Clathick, Andrew Murray of Murrayshall,
 John Mitchel of Byres, Robert Tailor of Achinbannald, Mungo Bu-
 channan of Hiltoun, Alexander Robertson of Craig, John Williamson of
 Barnhill, John Buchanan younger of Torry, Lauchlan Mackintosh Tutor
 of Dalmungo, Stuart of Ladywell, Thomas Whitson Por-
 tioner of Rattray, Hugh Hay of Paris, Hay of Gourdie, Dun-
 Campbell of Tunnevies.

For

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For the Shire of Kincardine.

Thomas Burnet *younger* of Glenbervie, George Crichton of Cluny,
Collonel James Ferguson of Kirkton-hill.

For the Shire of Aberdeen.

The Earl of Marr, and his Baillies of Braemarr and Kildrinnie, the
Lord Pitligo, the Laird of Drum, Alexander Forbes of Ludquarn, Mr.
John Innes of Gunhard, Forbes of Auchmacoy, Mr. James
Ferguson of Badiforrou, Arthur Forbes *younger* of Brux, William Hay
of Balbithen, Arthur Forbes of Pittintagart, John Forbes of Forbestoun,
John Gairden of Midstrath, George Forbes of Skellator, Buchan
younger of Auchmacoy, Andrew Logie of Loanhead, Alexander Strachan
of Tilhuickie.

For the Shire of Inverness.

Robert Grant of Garthinmore.

For the Shire of Nairn.

George Brodie of Aflisk.

For the Shire of Argyle.

The Sheriff-Deput for the time, the young Laird of Lochiel,
Campbell *younger* of Craginish, Stuart of Appin,
Macklean *younger* of Lochbuy.

For the Shire of Forfar.

The Earl of Northesk, the Earl of Strathmore, Robert Reid of Bal-
divie, Patrick Scot *younger* of Rossie, James Scot of Ufan, Robert Scot
of Dunnienald, James Durham of Grange, John Scot of Hedderwick,
Robert Milne of Balwillo, Lyell of Carle.

For the Stewartry of Kirkcudbright.

The Laird of Troquhain *younger*, the Laird of Dundeech, the Laird
of Dullord, the Laird of Anchinshinloch, the Laird of Mollens *younger*,
the

the Laird of Coole, the Laird of Crafts, the Laird of Toris, the Laird of Garrach, William Stuart *younger* of Castle-stuart, William Mackguffock *younger* of Ruscoe, Andrew Herron of Bargaillie.

For the Stewarty of Orkney and Zetland.

For Orkney.

Robert Stuart of New-wark, Thomas Buchannan of Sandfide, James Graham of Grahams-hall, James Baikie of Tankerness, Henry Graham of Braikness, John Stuart of Brough, Alexander Douglas of Eagleshaw, Hugh Baikie of Burness, Patrick Bellenden Tutor of Stonhouse, William Craigie of Gairfie.

For Zetland.

Laurance Sinclair of Queendale, Andrew Bruce of Mouness, Laurance Stuart of Bigtoun, George Sheine of Eslamonth, Mr. William Niven of Windhouse, James Scot of Volgairth, Andrew Mowat of Gairth, Patrick Leslie of Uftanass, John Giffard of Busta, John Bruce of Aith, William Henderfon of Gairdie, James Mitchell of Girlstaw, Andrew Bruce of Braenick.

For the Shire of Clackmannan.

The Earl of Marr, the Laird of Alva, the Laird of Menstrie, Lieutenant Collonel Bruce of Kennet, Mr. Alexander Abercrombie, Charles Cragengilt of Woodside.

For the Shire of Ross.

The Laird of Kilraick, Sir Adam Gordon of Dalfofly.

II. ACT

I I.

ACT for an Additional-Excise

September 25. 1696.



HE Estates of Parliament Considering, That in Order to the maintaining the present standing Forces, for the necessary Defence of the Kingdom, and for buying of Arms and Amunition, and for Repairing of the Castles and Forts of this Kingdom, and the maintaining of the Frigats and Cruisers for defending the Coasts; It is Requisit, that an Additional-Supply be given besides the Eighteen Months Cels already granted in this present Session of Parliament: Do therefore for the said Supply, and over and above the Excise of Three Pennies upon the Pint of Ale and Bear browen, to be vended and sold, and the Excises upon Strong-Waters and Brandy, and Forraign Drinking-beer annexed to the Crown. Humbly and cheerfully offer to His Majesty, an Additional-Excise of one penny upon the Pint of Ale and Beer to be vended and sold, making with the foresaid Annexed-Excise four pennies *per* Pint; As also of one shilling upon each Pint of Aquavity and Strong-waters, brown, or made of Malt, to be vended and sold within the Kingdom; And likewise an Additional-Excise of one shilling upon each Pint of Aquavity and Strong-waters browen not made of Malt, excepting what is made of Wine; As also Two shilling upon each pint of Brandy, and Ten shilling upon every Barrel of Mum and Forraign Drinking-Beer and Ale, not exceeding twelve Gallons the Barrel imported within this Kingdom, and that during the space of twelve Months, from the first of *March* in the year One thousand six hundred and ninety seven, to the first of *March* One thousand six hundred and ninety eight, and thereafter three pennies upon the Pint of Ale and Beer to be vended and sold, making with the said Annexed-Excise six pennies *per* pint; As also three shilling upon each pint of Aquavity and Strong-waters browen or made of Malt, to be vended and sold within this Kingdom; And likewise an Additional-Excise of three shilling upon the pint of Aquavity and Strong-Waters browen not made of Malt (excepting what is made of Wine) As also of three shilling upon the pint of Brandie, and thirty shilling upon the said Barrel of Mum-beer, and Forraign Drinking-Beer and Ale imported within this Kingdom, and that during the space of another twelve Month, *viz.* From the first of *March* one thousand six hundred and ninety eight, to the first of *March* one thousand six hundred ninety nine. And His Majesty with Advice and Consent foresaid, doth Appoint the payment of the said Annexed and Additional-Excises, upon Ale, Beer, Strong-Waters, Brandie and Mum, and Forraign Drinking-Beer or Ale, extending as above, to be made quarterly; That is, for the first three Months upon the first of *June* one thousand six hundred and ninety seven, and so-furth Quarterly the said two years, that the said two Excises do concur, and thereafter the said Annexed-Excise, to be paid

at such Terms as His Majesty and His Successors shall please to Appoint; And Ordains the said Additional-Excise upon Ale and Beer to be raised, and uplifted from all Brewers of the said Liquors, browen and made to be vended and sold as said is, and the said Excise upon Aquavity and Strong-Waters, and upon Brandie and Mum, and other Forraign Drinking-Beer and Ale, to be raised and uplifted from all Retailers thereof, conform to the twenty eight Act of the fifth Session of this current Parliament, Entituled; *Act for the Annexed and Additional Excises*, and dated the twenty of June, one thousand six hundred ninety five, and the twenty first Act of the same Session of Parliament, *Explaining the Act a-
nent the Excise of Brandy*, which is hereby extended to Aquavity, Strong-Waters and Mum, and Declared to be understood for hereafter of what is sold by Retailers, and consumed immediatly in their Taverns Shops and Cellars, and the like, or of what is sold out by them in Pints and lesser Measures; and that for preventing of double Payments, and that the saids Excises or Liquor may arise more equally, *It is Statute*, that during the concurring of the said two Excises, the lowest Price of Ale or Drinking Beer to be Brewed, and Vended and Sold for hereafter shall in all Burghs where the Burgh hath a particular Imposition on Malt or Liquors be twenty six pennies for the Pint of the said first year, viz. from the first of March one thousand six hundred and ninety seven, to the first of March one thousand six hundred and ninety eight, to be payed by the Buyer to the Vender or Topster, and for the said second year of the said Additional-Excise, viz. From the first of March one thousand six hundred ninety eight, to the first of March one thousand six hundred ninety nine, that the said Price be in all Burghs where the Burgh has ane particular Imposition on Malt or Liquor, twenty eight pennies for the Pint, and in all other Places, both to Burgh and to Landward, the Price to be two Shilling for the Pint, for both the saids years, to be payed by the Buyer to the Vender and Topster as said is, With Certification, that the Ventner or Topster, transgressing, by selling under the saids Rates, shall be fined by the Commissioners of Excise, appointed in manner after-mentioned, in the Sum of Ten pounds Scots, at the instance of any other Brewer or other Complainer, *toties quoties*, to be applyed by the saids Commissioners to the Informers within the respective Shires; And farther, be either put under sufficient Soverty, to observe this Rule for hereafter, or if he cannot find Soverty, discharged to brew in time-coming: And further, His Majesty with Advice and Consent foresaid, doth hereby Declare and Enact; That if any Brewer in use to brew for Sale and Change, shall give-over brewing after the date of this Act, without an Allowance in Writing from the Commissioners of Excise, for good and seen Causes, the said Brewer shall not be permitted to brew for Change, for the space of five years thereafter; But shall be, and is hereby Discharged, and rendered incapable to do the same: As likeways, it is hereby *Statute and Ordained*, that no person whatsoever, who having a Family, were not in use to brew for themselves and their Families in time-by-past, shall presume to brew after the first day of March next to come, for their own and their Families use; *Certifying* the Contraveeners thereof, that they shall be ly-
able

able in payment of the value of what they shall brew contrary to this Act: And for the Raising and In-bringing of the saids Excises, His Majesty and Estates of Parliament, do hereby Appoint, and Authorize the Commissioners of the New Supply, Appointed in ane other Act of this present Session of Parliament, to be the Commissioners of Excise during the indurance of the saids two Excises, for the several Shires, for the ends foresaid, and the Royal Burghs to have the same Number of Commissioners, as was appointed by the Fourteenth Act of the Parliament, one thousand six hundred and sixty one, empowering them fully for that effect, conform to the Rules and Orders formerly enacted for Raising and Inbringing the former Annexed-Excise upon Malt, As also to be Judges to the Entries of all Brewers, and the Contrall thereof, and generally to all Questions arising betwixt Taxmen or Collectors and the said Brewers, and that there be no Quartering, or other Execution for Excise at the first instance, but by Order of the saids Commissioners; with this Provision always, that if the Commissioners refuse Order for Quartering, or other Execution when duely required, then it shall be lawful to the saids Tacksmen or Collectors, to proceed upon their Decrees and Warrants to Quartering, or other Execution without the said Order as accords; As likeways to set down and cause observe such other Rules as they shall judge necessary, agreeable always to the Acts of Parliament already made about the foresaid Excise: *Providing*, that as to all Royall Burghs it shall be leifume to the Collector or Tacksmen of the saids Excises, who shall be for the time, to bring two of the Commissioners of the Shire within the bounds whereof the Burgh lyes, to Sit and Judge with one of the Magistrats of the Burgh in all cases competent to the saids Commissioners relative to the saids Excises, which three Commissioners, or in case the Magistrat of the Burgh shall refuse to concur the saids two Commissioners for the Shire, are hereby fully empowered to the effect foresaid, to judge as said is of the foresaid cases; Which three, or in case the Magistrats shall refuse to concur, the other two are hereby fully empowered as above. And his Majesty with Consent foresaid, doth Ordain the saids Commissioners to meet the first *Tuesday* of *January* One thousand six hundred and ninety seven next to come, at the Head-burgh of every Shire *respectively*, and afterwards upon the first *Tuesday* of ilk Month where they shall appoint. And His Majesty and Estates of Parliament considering, the Advantages of a greater Consumption, and better Liquor arising from laying all Excises upon the Liquor, and not upon the Malt; Do hereby specially provide, That if either Collector or Farmer shall presume to Raise or Levy the saids Excises upon the Malt, or otherways than upon the Liquor, or to make either quarterly or weekly agreements, or other Compact with the Brewers, in defraud of this Act, he shall incur the the Pain of an hundred Merks *toties quoties*, to be decerned and exacted by the saids Commissioners, or by the Lords of Privy Council, in case the Commissioners shall over-look the same; As also, that the Brewer assenting thereto, or Complice therein, shall incur the pain of Fifty Merks, and amit and lose the Liberty of Brewing: Which Fines are hereby Appointed to be applied to the Party Informer. And it is hereby Declared, that

if any Tacksmen or Collector, or other Person, shall collect any thing over and above his Excise for the Discharges thereof, or for the Discharge of any other publick Dues whatsoever, or refusing to give a Discharge, It shall be reputed as Oppression, & punished accordingly by the saids Commissioners, who are hereby impowered to proceed against the persons guilty; As likewise it is *Provided*, that in case of any Tumultuary Opposition happening in Burghs to the saids Tacksmen or Collectors, or their Deputies, in gathering and uplifting of the said Excise, the Magistrates and Council of the Burgh found negligent, shall be liable to repair the Tacksmen or Collectors Damage, at the sight of the Lords of Privy Council, and to what farther Fine the saids Lords shall think fit to impose according to the Degree of their Negligence. And for the Encouragement of Trade and Shipping, His Majesty and Estates of Parliament, Reserve furth of this Act for Additionall Excise, all Ships-Beer put on Board, and drunk at Sea; *Providing*, that the Quantity of the saids Ships-Beer, and it's putting on Board be Testified by a Certificat under the Hand of a person Appointed by Tacksmen or Collectors, to go along with the Beer, and see it put on Board, or at least by an Instrument of Requisition containing the said Quantity taken thereupon, as also by the Oath of the Brewer that furnished the same; In which case, and no otherways, the said Ships-beer is Declared to be free of the said Excise. And His Majesty, with Advice and Consent foresaid, *Ordains*, not only the foresaid Reserve and Exception of Ships-Beer, but also, that all other Exceptions from paying of Excise to any priviledged Place, Company, or Corporation, that are granted by Law, be expressly set down and excepted in all Tacks to be set for hereafter by the Lords of Thesaury or Thesaurer, and Thesaurer-Deputy for the time of the saids Excises, and that to the effect, that no Abatements may be hereafter craved by the Tacksmen on the foresaid account. And lastly, His Majesty with Advice foresaid, do Authorize and Impower the Lords of Privy Council, to prescribe such other Methods and Orders as they shall judge necessary for the better uplifting and In-bringing of the said Excise; And specially for causing the same be Raised and Uplifted upon the Liquor, and not upon the Malt: As also, that it may be uplifted without putting the Brewers to their Oaths as much as possible.

III.

ACT Appointing the Association to be Subscribed
by all Persons in Publick Trust.

September 25. 1696.



THE ESTATES OF PARLIAMENT Taking to Their Consideration, That the Welfare and Safety of this KINGDOM, and the Reformed Religion, doth next (under GOD) Depend upon the Preservation of His Majesties Royal Person and Government ; And that of late, there has been most Cruel and Barbarous Attempts Made, by some Bloody Traitors, and others His Majesties Enemies, to Assassinate His Royal Person. And Considering, That the Entering into an Association, may be an Effectual Means for Obviating and Preventing such Bloody and Execrable Practices in Time-coming : The Estates of Parliament, Did upon the Tenth Day of September instant, Freely and Unanimously Enter into, and Subscribe the Association, whereof the Tenor follows,

WE the Noblemen, and Commissioners for Shires and Burrows, presently Assembled in Parliament, Undersubscribing ; Considering, That there has been a Horrid and Detestable Conspiracy, Formed and Carried on by Papists, and other Wicked and Traitorous Persons, for Assassinating His Majesties Sacred Person, in order to Usher in, and Facilitate a Formidable and Cruel Invasion from France, to the Ruine and Extirpation of Our Religion, Laws, and Liberties : Do therefore, Heartily, Sincerely, and Solemnly Profess, Testifie and Declare, That His present Majesty, King WILLIAM, is Rightful and Lawful King of this Realm ; And We do Mutually Promise, and Solemnly Engage, and Oblige Our Selves, to Stand by, and Assist One another, to the Outmost of Our Power, in the Support and Defence of His Majesties most Sacred Person and Government, and of the True Protestant Religion, against the late King James, and the Pretended Prince of SCOTLAND, (commonly called the Pretended Prince of Wales,) and all their Adherents, and against all Forraign Invasions, or Intestine Insurrections, that shall be Attempted, or Made, to Disturb His Majesties Right and Possession : And in case His Majesty come to any Violent, or Untimely Death, (which GOD of his Infinite Mercy Avert,) We Do hereby further, Freely and Unanimously Oblige Our Selves, to Unite, Associate, and Stand by each other, in Revenging the same, upon all His Majesties Enemies, and their Adherents, and in Supporting and Defending the Succession of the Crown, according to the Declaration of the ESTATES of this KINGDOM.

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Therefore

Therefore His Majesty, with Advice and Consent of the *Estates of Parliament*, STATUTES, ENACTS, and DECLARES, that the said *Association* so Entred into, and Subscribed, was, and is, and shall Stand, Remain, and be Good, and Lawful, to all Intents and Purposes, according to the True Meaning, Intent and Import of the same. And STATUTES and ORDAINS, That all Persons in *Publick Trusts*, whether Civil or Military, shall be Obligated to Subscribe the foresaid *Association*. Remitting to the Lords of His Majesties Privy Council, to Appoint the Manner of Subscribing, and Days, betwixt and which the foresaid Persons shall Subscribe; as likeways, for Reporting their Subscriptions to the saids Lords of Privy Council: And also Declaring, that such as have already Subscribed the said *Association*, shall not be Obligated to Subscribe it again in the same Trust and Capacity.

I V.

ACT for Regulating Deeds done on Death-Bed.

September 25. 1696.



OUR SOVERAIGN LORD Considering, That many Questions have arisen concerning Deeds done upon Death-bed. For clearing whereof, His Majesty, with Advice and Consent of the *Estates of Parliament*, *Statutes and Ordains*, That it shall be a sufficient Exception to exclude the Reason of Death-bed, as to all Bonds, Dispositions, Contracts, or other Rights, that shall be hereafter made and granted by any Person after the contracting of Sicknes, that the Person lived for the space of Threescore Days after the making and granting of the saids Deeds, albeit during that Time they did not go to Kirk and Mercat; But Prejudice always as of before, to quarrel and reduce the saids Rights and Deeds, if it shall be alledged and proven that the Person was so affected by the Sicknes the time of the doing of the saids Deeds, that he was not of sound Judgment and Understanding. As also, But Prejudice to the Lords of Session to Determine as to all Bonds, Dispositions, Contracts, or other Rights already made and granted in time of Sicknes, conform to the former Law and Custom.

V. ACT

V.

ACT for Declaring Notour-Bankrupts.

September 25. 1696.



OUR SOVERAIGN LORD Considering, That notwithstanding of the Acts of Parliament already made against fraudulent Alienations by Bankrupts, in prejudice of their Creditors; Yet their Frauds and Abuses are still very frequent: Does Therefore, and for the better Restraining and Obviating thereof in time-coming, with Advice and Consent of the Estates of Parliament, *Statute and Declare*, That for hereafter, if any Debitor under Diligence by Horning and Caption, at the Instance of his Creditor, be either Imprisoned, or retire to the *Abbey*, or any other priviledged Place, or Flee, or Abscond for his Personal Security, or Defend his Person by Force, and be afterwards found by Sentence of the Lords of Session to be insolvent, shall be holden and repute on these three Joynt-grounds. *viz.* Diligence by Horning and Caption, and Insolvency joyned with one or other of the said Alternatives of Imprisonment, or Retireing or Flying, or Absconding, or Forcible Defending, to be a Notour-Bankrupt, and that from the time of his foresaid Imprisonment, Retireing, Flying, Absconding, or Forcible Defending; Which being found by Sentence of the Lords of Session, at the Instance of any of his just Creditors, who are hereby impowered to Raise and Prosecute a Declarator of Bankrupt thereanent: His Majesty with Consent of the Estates of Parliament, Declares, all and whatsoever voluhtar Dispositions, Assignations, or other Deeds which shall be found to be made and granted, directly or indiretly by the foresaid Dyvor or Bankrupt, either at, or after his becoming Bankrupt, or in the space of sixty days of before, in favour of any of his Creditors, either for their Satisfaction, or farder Security in preference to other Creditors, to be void and null. Likeas, it is Declared, that all Dispositions, Heretable-Bonds, or other Heretable-Rights whereupon Infestment may follow, granted by the foresaid Bankrupts, shall only be reckoned as to this Case of Bankrupt, to be of the Date of the Seasin lawfully taken thereon, but prejudice to the validity of the said Heretable-Rights, as to all other effects as formerly; And because Infestments for Relief, not only of Debts already contracted, but of Debts to be contracted for thereafter, are often found to be the Occasion or Covert of Frauds: It is therefore farder Declared, That

any Disposition, or other Rights that shall be granted for hereafter for Relief or Security of Debts to be contracted for the future, shall be of no Force, as to any such Debts that shall be found to be contracted after the Seasin, or Infestment following on the said Disposition or Right, But prejudice to the Validity of the said Disposition and Right as to other Points as accords. And lastly, His Majesty and the Estates of Parliament, Do hereby *Statute and Ordain*, That if any Person shall for hereafter defraud his Creditors, and be found by Sentence of the Lords to be a fraudulent Bankrupt; The Degree of his Fraud shall also be determined by the same Sentence, and the Person guilty not only held to be infamous *infamia juris*, but also be by them Punished by Banishment or otherways, (Death excepted,) as they shall see cause: And the Lords of Session are hereby discharged to dispense any Bankrupt, as to the Habit, unless in the Summonds and Procees of *Cessio*, the Bankrupts failing through Misfortune be Lybelled, sustained and proven, and this but prejudice of all former Acts anent Bankrupts, which are still to stand in their full Force.

V I.

ACT for Selling of Meal by Weight.

September 25. 1696.



UR SOVERAIGN LORD, and the Estates of Parliament, Considering the many Abuses committed in the Measuring of Meal in several Parts of this Kingdom, and that these Abuses may be Obviat, by Selling of Meal by Weight: Do for Remeid thereof, *Statute and Ordain*, That from and after the first day of *January* next to come, all sorts of Meal Bought and Sold within this Kingdom, shall be Sold and Delivered by Weight, at Eight Stone *Trois* Weight, in place of the Boll of *Lithgow-Measure*, and so Proportionally, under the Pain of Con-

fiscation of all Meal Sold otherways than is hereby Appointed, and Imprisonment of the Seller thereof for a Week, *toties quoties*: *Declaring hereby*, that the Meal so Confiscat, shall immediatly belong to the first Informer; And requiring all Sheriffs, Stewarts, Baillies of Regalities, Royalties, or Baronies, all Magistrats of Royal Burrows, Justices of Peace, and all other Judges whatsoever, to cause put this ACT to

to all due Execution against the Contraveeners within their respective Bounds; Certifying all such Judges, Magistrats, or others foresaids, who after due Information thereof, shall Neglect to Execute the same, by Delivering the said Meal to the first Informer, and Imprisoning the Seller in manner foresaid, That they shall be lyable to the said Informer, in the double of the Value of all Meal which shall be Sold within their Bounds, otherways than is Appointed by this ACT; *Reserving* their Relief from the particular Transgressors, in sua far as extends to the single Value thereof allennarly. *Likewis*, His Majesty, with Advice and Consent foresaid, hereby Revives, Ratifies and Confirms all former Acts made anent the sufficiency of Meal, and Ordains the same to be put to all due Execution.

V I I.

ACT Allowing the Venting of Rum.

September 25. 1696.



OUR SOVERAIGN LORD Considering, that the Act made in the Fifth Session of this present Parliament, *Discharging the Venting of Rum within this Kingdom*, is now found to be very Discouraging and Prejudicial to the Manufactories of Suggar-works Erected by Acts of Parliament, and that the Vent thereof within this Kingdom, is regulat by Acts of Exchequer: Doth therefore with Advice and Consent of the Estates of Parliament, Rescind, Cals, and make Void the foresaid Act of Parliament *Discharging the Venting of Rum*, as said is in all time-coming.

F

V I I I. ACT

VIII.

ACT Anent the Nomination of Tutors and Curators.

September 25. 1696.



OUR SOVERAIGN LORD, and the Estates of Parliament Considering, That Tutors Nominat by a Father to his Children, are Persons in whom he reposeth the greatest Trust; And that the Tutors Nominat frequently decline the Office, being unwilling to subject themselves to the Hazard of Omissions, of being obliged *in solidum*, each of them for others; And likewise considering, that the Father can make a better Choise of Curators for his Children who are Minors, than the Minors could make for themselves: Therefore

His Majesty with Advice and Consent of the Estates of Parliament, *Statuts* and *Ordains*, That it is, and shall be lawful for the Father by any Act or Deed in his *Leige-pousie*, to make a Nomination of such Persons as he thinks fit to be Tutors, and of such Persons as he thinks fit to be Curators to his Children during their Minority, containing this Provision and Quality, that the saids Tutors or Curators shall not be lyable for Omissions, but for their actual Intromissions with the Means and Estate, descending from the Father, and other Deeds of Administration thereanent, and that each of them shall only be lyable for himself, and not *in solidum* for others: And it is hereby *Statute and Ordained*, that the Tutors or Curators so Nominat, shall not be lyable for Omissions, but only for their actual Intromissions with the Means and Estate descending from the Father, and other Deeds of Administration thereanent, and that each of them shall only be lyable for himself, and not *in solidum* for others, and that the Curators named by the Father accepting before the Judge Ordinary, in the Terms of their Nomination, shall have Right to exerce the Office during all the years of the Minority: And it is hereby Declared, that where the same Persons are named by the Father to be both Tutors and Curators, It shall be lawful and free for those who shall Accept and Exerce the Office of Tutorie, to decline or accept as Curators after the Pupillarity expires, as they think fit; Declaring always, that if the Condition of any of the Tutors or Curators to be named with the qualities above-specified, shall change and become such as any near Relation to the Pupil or Minor shall think fit to represent the same to the
Lords

Lords of Session, to the end after-mentioned ; Then and in that case, the saids Lords are hereby impowered upon the said Complaint, and a Citation upon it, without abiding the Order of the Roll, to Ordain the foresaid Tutor and Curator upon such Reasons as they shall find probable, either to find good and sufficient Caution for their Administration, or to Remove, and if he refuse to remove him : And lastly, providing that nothing in this Act shall liberat from, or dispense with the making of Inventars.

I X.

ACT of Prescription anent Tutors and Curators Accompts.

September 25. 1696.



OUR SOVERAIGN LORD and the Estates of Parliament, Considering the great Danger and Hazard to which Tutors and Curators are exposed, by being subject to Compt and Reckonings to their Pupills and Minors, unless secured by the Prescription of Fourty Years after the Majority of the saids Pupills and Minors : Therefore, His Majesty with Advice and Consent of the Estates of Parliament, Statutes and Ordains ; That all Actions

of Compt and Reckoning, competent to Pupills and Minors against their Tutors and Curators, for making their Accompts not pursued and insisted in within the space of Ten years after the Majoritie of the saids Pupils and Minors, or after their Death, they Dying in their Minority, shall after that time prescribe for ever ; And the saids Tutors and Curators, and their Successors, shall be as fully Exonerat and Liberat, as if the saids Pupils and Minors after their Majority had fully and amply discharged the same : And Declares, that the contrary Action, at the Instance of Tutors and Curators against their Pupils and Minors, shall prescribe in the same manner within Ten Years ; Declaring always, that this Prescription shall not run against Minors, as also, that all the foresaid Actions already raised, or competent to be raised by either of the said Parties *hinc inde*, shall in like manner prescribe within Ten Years after the Date of this Act.

X.

ACT That no Law pass at the first Reading

September 25. 1696.

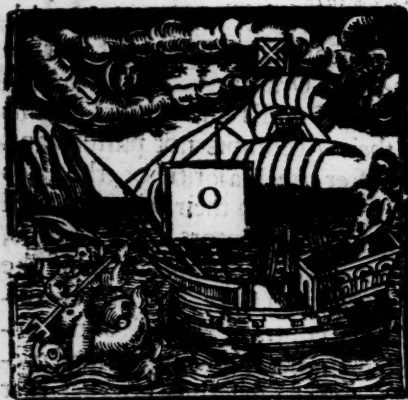


OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, *Statuts, Enacts and Declares*, That any Law to be made for hereafter, shall not be Concluded and Voted in that *Sederunt*, in which it is first Read; but that the same shall ly on the Table till another *Sederunt*, that the Members of Parliament may consider thereon in the mean time.

X I.

ACT Explanatory of the Act 1695, Entituled, Act for Obviating the Fraud of Appearand Heirs.

October 9. 1696.



OUR SOVERAIGN LORD Considering, That that part of the 24th Act of the 5th Session, of this Parliament, Entituled, *Act for Obviating the Frauds of Appearand Heirs*, whereby it is Statute, that if any Appearand Heir for hereafter, shall (without being lawfully served or entered Heir) either enter to Possess his Predecessors Estate, or any part thereof; or shall Purchase by himself, or any other to his Behove, any Right thereto, or to any Legal Diligence, or other Right Affecting the same, whether Redeemable or Irredeemable, otherways than the said Estate is exposed to a lawful publick Roup, and as the highest Offerer thereat, without any Collusion, his foresaid Possession or Purchase shall be repute a Behaviour as Heir, and a sufficient Passive Title to make him represent his Predecessor universally, and to be lyable for all his Debts and Deeds, ficklelike as if the said Appearand Heir Possessing or Purchasing as said is, were lawfully served and entred Heir to his said Predecessor, as the said ACT bears, Ought not in Law or Reason be understood to include such Appearand Heirs, who before the making of the said ACT, and according

ing to the Law for the time, Purchased by themselves or others, Partial Rights to their Predecessors Estates, seing the compleating of such Partial Rights so Purchased, cannot be prejudicial to their Predecessors Creditors, but plainly an advantage to such of them as having Real Securities affecting the saids Estates, may be rather desirous to have their Money, than to retain the said Securities : *Doth therefore*, with Advice and Consent of the Estates of Parliament, *Declare*, That such Apperand Heirs, who before the making of the said Act, and according to the Law for the time, have Purchased by themselves, or others, Partial Rights to their Predecessors Estates, are not included in the above-mentioned part of the said Act, but that they may proceed to compleat their said partial Purchases, by farther Purchasing and Acquiring of other Rights or Diligences affecting the said Estate, or any part thereof, according to the Laws in force before the making of the said Act, without incurring the construction or hazard of a Behaviour as Heir, or of any Passive Title to make them represent their Predecessors universally, and to be lyable for all their Debts and Deeds, any thing in the foresaid Act notwithstanding.

XII.

ACT anent the Priviledges of Burghs of Regality and Barony, as to the Curing & Packing of Salmond-Fish.

October 9. 1696.



HEREAS by the Fifth Act of the Third Session of this current Parliament, The Packing and Curing of Salmond-Fish is most particularly Provided for, and that with a special Clause, Providing and Declaring, that nothing contained in the said Act should prejudice the Rights and Priviledges of any Burgh Royal. OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Do hereby further Provide and Declare, that nothing contained in the said Act, shall any way Prejudge the Rights and Priviledges of any Burgh of Regality or Barony, but that the Rights, Priviledges and long Prescribed Possessions of all Burghs, are hereby understood to be therein Reserved.

XIII.

*ACT in favours of Preachers at Vacant Churches
be-north Forth.*

October 9. 1696.



OUR SOVERAIGN LORD Considering, That albeit by the Act of Parliament 1695, Entituled, *Act for Encouraging of Preachers at vacant Churches be-north Forth*, There is Appointed & Allowed to every one of the saids Preachers Twenty Merks *Scots* for their Preaching each Lords Day, Forenoon and Afternoon, in the saids Vacant Churches, out of the first end of the Vacant Stipends thereof, in manner therein set down; which Act (by the Twenty Seventh Act of the same Session of Parliament) is extended to Ministers settled, als well as Preachers not settled in Churches: yet the saids Acts are not effectual, in regard of the Difficulties that the Collectors appointed for Ingathering of the said Twenty Merks, by the said Act of Parliament, do frequently meet with. Therefore His Majesty, with Advice and Consent of the Estates of Parliament, Doth hereby *Statute and Declare*, that the Collectors Allowed to be Nominat by each Presbytry, by the said First Act of Parliament, for uplifting the said Twenty Merks, out of the Vacant Stipends, within the Bounds thereof, shall, wherever the saids Twenty Merks are yet Unpayed, and the said Vacant Stipends out of which they are Payable not Uplifted, and for such Vacancies as shall for hereafter happen, have full Power, Likeas, they are hereby Impowered, to Call for, and Uplift the saids Twenty Merks, from any Heretor, or other Person, one or moe, lyable in als much of the said Vacant Stipend, or from the Patron, or General Collector of the Vacant Stipends, in case they have Uplifted the same. Ordaining summar Process before the Sheriffs, or other Judges competent, at the instance of the saids Collectors, for that effect; and that such Execution pass on Sentences, for the same, as for Ministers Stipends. And farther, His Majesty, with Advice foresaid, *Declares*, That the said Twenty Merks, is, and shall be due to the Preacher or Minister Preaching at the saids Vacant Kirks, if they have or shall Officiat thereat alone upon the Lords Day, albeit that sometimes, by Reason of the Shortness of the Day, or the Peoples untimous Conveening, they Preach not both Forenoon and Afternoon.

XIII.

XIV.

X I V.

ACT in favours of Universities, Schools & Hospitals.

October 9. 1696.



OUR SOVERAIGN LORD and Estates of Parliament, being Resolved to give all due Encouragement to Universities, Schools and Hospitals: Do therefore Extend the Acts and Laws made in favours of Ministers of the Gospel, for their more easie and speedy Ingathering of their Stipends, *Viz.* That there be no Suspension, except on Consignation And as to Allowance of Expenses, and summar Proces To Universities, Schools and Hospitals, to the effect they may have the same Benefit thereof, for Uplifting and Ingathering their Rents and Debts, that the foresaid Ministers have for their Stipends.

X V.

ACT allowing Securities, &c. to be Written Book-ways.

October 9. 1696.

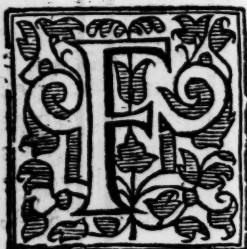


OUR SOVERAIGN LORD Understanding the great Trouble and Inconveniency the Leidges are put to, in finding out of Clauses and Passages in long Contracts, Decrees, Dispositions, Extracts, Transcripts, and other Securities, consisting of many Sheets Battered together, which must be either Folded or Rolled up: Doth for Remeid thereof, with Advice and Consent of the Estates of Parliament, *Statute and Ordain*, That it shall be free hereafter, for any Person, who hath any Contract, Decree, Disposition, or other Security above-mentioned to Write, To choose whether he will have the same Written in Sheets Battered together as formerly, or to have them Written by way of Book, in Leafs of Paper, either in Folio or Quarto; Providing, that if they be Written Book-ways, every Page be Marked by the Number, First, Second, &c. and Signed as the Margines were before, and that the End of the Last Page make mention how many Pages are therein contained, in which Page only Witnesses are to Sign in Writs and Securities where Witnesses are required by Law; And which Writs and Securities being Written Book-ways, Marked and Signed as said is, His Majesty, with Consent foresaid, *Declares* to be als valid and formal, as if they were Written on several Sheets Battered together, and Signed on the Margine, according to the present Custom.

X V I.

ACT Declaring the Burgh of Greenlaw the Head-Burgh of the Shire of Berwick.

October 9. 1696.



ORASMUCH as by ane Charter granted be King James the Sixth of Happy Memory, under the Great Seal, in favours of Sir George Home of Spott, dated the Twelfth Day of December One Thousand Five Hundred Ninety Six, the Town of *Greenlaw* was Erected in a free Burgh of Barony, with several Liberties and Priviledges; And in respect that the said Town did ly in the Middle and Center of the Shire of *Berwick*, to which the Leidges might have commodious Resort from all Parts of the Shire, and that there was no Place within the said Shire more fit and convenient for Proclaiming the publick Proclamations, and Using and Executing of Legal Diligences; And that the saids Proclamations, and Executions of Legal Diligences might the better and more easily come to the Knowledge of the Subjects: It was Appointed by the said Charter, that all Proclamations whatsoever, Letters, Denunciations, Relaxations, and other Publications of whatsoever nature: That the same should be Execute, Published and Proclaimed at the Mercat-Cross of the said Burgh of *Greenlaw*, as the Head and Principal Burgh of the said Shire of *Berwick*, and not at any other Place or Mercat-Cross within the said Shire; Otherways it is Declared, all such Proclamations, Denunciations, Relaxations, and other Publications whatsoever, should be in themselves null and void, which Charter was Ratified by Act of Parliament, dated the Fifteenth Day of *November* One Thousand and Six Hundred Years. And it being just and reasonable, for the Reasons and Motives contained in the said Charter, that the Using of all Publick Proclamations, and the Executing of all Legal Diligences which are proper and in use to be Proclaimed and Execute at the Head-Burgh of the Shire of *Berwick*, should be Proclaimed at the Mercat-Cross of the said Town of *Greenlaw*. Therefore His Majesty, with Advice and Consent of the Estates of Parliament, Statutes, Ordains and Declares the said Town of *Greenlaw*, to be the Head-Burgh of the Shire of *Berwick*; And that for hereafter, all Publick Proclamations, Hornings, Inhibitions, Summonds, and all other Legal Diligences whatsoever, which by Law and Custom ought to be Proclaimed, Used and Execute at the Head-Burgh of the Shire of *Berwick*, Shall be Proclaimed, Used and Execute at the Mercat-Cross of the said Town of *Greenlaw*, as the Head-Burgh of the Shire; And Declares all Proclamations, and Legal Diligences, Published, Used and Execute, that shall be otherways Done, to be null and void. And
Ordains

Ordains the Sheriff-Court of the said Shire, to Sit, be Holden and Kept in the said Town of *Greenlaw*, and that notwithstanding of any Act of Parliament, Constitution, or Custom to the contrary, which are hereby Rescinded and Declared to be Null and Void, in so far as the same is contrair to, and inconsistent with this present Act. And Ordains this Act to be Printed and Published among the Publick Laws, that none may pretend Ignorance thereof.

XVII.

ACT for the Security of the Kingdom.

October 9. 1696.



THE ESTATES of Parliament Considering, That when it shall please GOD to Afflict these Nations, by the Death of Our Sovereign LORD the KING, (whom GOD of his infinite Mercy long preserve) or by the Death of any of his Heirs or Successors, this Kingdom may be subjected to many Calamities, by the Treacherous Plots of Unnatural Countrey-Men, and Persons Popishly affected at Home, or by the Invasion of Strangers, before new Commissiones Civil or Military can be granted, or a Parliament can be Summoned, or called by the next Heir or Successor to the Crown. For preventing thereof, His Majesty with Advice and Consent of the said Estates, *Statutes and Ordains*, that no Commission Civil or Military, or any Court whatsoever shall cease or become void by the death of His present Majesty, or any of his Heirs or Successors, but that the same shall continue in full Force and Effect, for the space of Six Months after the said Death, unless in the mean time the same be Stopt or Recalled by the next immediat Successor to whom the Imperial CROWN of this Kingdom shall descend, according to the Declaration of the Estates of this Kingdom, dated the Eleventh day of *April*, One Thousand six hundred eighty nine, containing the *Claim of Right*, and Settling the Succession to the Crown; But prejudice always to such Judges who have Right to their Offices heretably, or *ad vitam aut culpam*, to Enjoy and Exerce the same as before the making hereof: *And farther*, His Majesty with Advice and Consent foresaid, *Statutes, Enacts and Declares*, That this present Parliament, or any other Parliament that shall be hereafter Summoned, and Called by His Majesty, his Heirs or Successors, shall not

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be dissolved by the death of His Majesty, His Heirs or Successors, but the said Parliament if assembled for the time, shall, and is hereby Ordained to continue, and is by vertue of this present Act Impowered and Required to Conveen, Sit and Act; notwithstanding of the said Death, and that during the time of Six Months, and no longer, unless the same be sooner Adjourned or Dissolved by the said Person who shall be next Heir to the CROWN, according to the foresaid Declaration of the Estates; And if the said Parliament shall be under Adjournment the time of the said Death, then it shall Meet and Sit at and upon the day to which it is Adjourned, if the same shall fall within twenty days after the Death foresaid, or if the day to which it may be Adjourned, shall fall to be after the said Twenty days, then it shall Meet and Sit immediatly after the elapsing of the said Twenty days, notwithstanding of the foresaid longer Adjournment, and so continue during the said time of six Months, unless sooner Adjourned or Dissolved by the foresaid next Heir, succeeding as said is: And it is farther *Statute* and *Ordained*, that in case there shall be no Parliament in being at the time of the Death of His Majesty, or any of his Heirs or Successors, then the last preceeding Parliament shall after twenty days after the said Death immediatly Conveen and Sit at *Edinburgh*; And is hereby Impowered and Required to act as said is, as if the said Parliament had not been dissolved, and that during the foresaid time of six Months, and no longer, unless the same shall be sooner Adjourned or Dissolved by the next Heir of the Crown, succeeding as said is, *Providing*, likeas it is hereby expressly provided, that the saids Parliaments Conveening and Meeting by the Force of this Act, in the Event of the Death foresaid, shall only have power to do and act what shall be needful for the Defence of the True Protestant Religion, as now by Law established, the maintaining of the Succession to the CROWN, as settled by the said *Claim of Right*, and for the Preserving and Securing of the Peace and Safety of the Kingdom, but no ways to alter or innovat the present Constitution of the Government, or any part thereof, or Laws standing for the time, or to do any thing prejudicial or contrary thereto; Likeas His Majesty with Advice and Consent foresaid, does hereby Rescind, *Cass*, and make void all Laws, Statutes, Customs and Constitutions, in so far as the same are contrair to, or inconsistent with this present Act, and no farther. *Declaring* always, That nothing contained in this Act, shall extend, or be understood to extend to, alter, or any ways restrict the Prerogative of the King, his Heirs or Successors, or His and their Power to Call, Adjourn, or Dissolve Parliaments.

XVIII.

**ACT anent Registration of Seafins, and other Writs
and Diligences.**

October 9. 1696.



UR SOVERAIGN LORD Considering, That unless Seafins, and other Writs and Diligences appointed to be Registrat, be Booked, and Insert in the respective Registers Appointed for that effect, the Leidges cannot be Certiorat thereof, which is the great Use and Design of their Registration: Doth therefore, with Advice and Consent of the Estates of Parliament, *Statute and Declare*, That no Seafin or other Write or Diligence appointed to be Registrat, shall be of any Force or Effect against any but the

Granters, and their Heirs, unless it be duely Booked and Insert in the Register; And that notwithstanding of any thing contrary hereto, contained in the Nineteenth Act, second Session first Parliament King *James the Seventh*, which is hereby in so far Rescinded, Cassed and Annulled, and Declared to have no effect in time-coming, but prejudice always to such as have registrat their Seafins, and other Writs and Diligences conform to the said Act, before the making hereof. And His Majesty with Advice foresaid, Ratifies and Approves of the hail other Heads and Articles of the said Act, and Declares, that Parties lesed by the Omission or Negligence of Clerks, to Book and Insert in the Register such Writs as are presented to them, and which they attest on the Back to be Registrat, shall have Action of Damage against the Heirs and Representatives of the saids Clerks, though no such Actions be commenced in the Clerks Lifetime.

[XIX.]

ACT for Registrating Summonds that shall be made use of for Interruptions.

October 9. 1696.



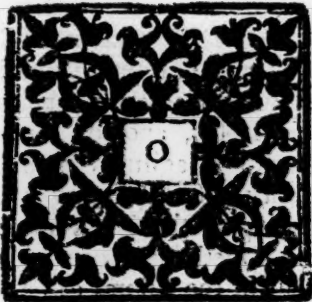
OUR SOVERAIGN LORD Considering, That for the Security of Purchasers, and other Singular Successors; It is necessary, that all Summonds and Executions thereupon, which shall be made use of for Interruptions of Prescription of Real-Rights, and all Instruments of Interruption should be Registrat, that the Leidges may know of the sament. Therefore His Majesty with Advice and Consent of the Estates of Parliament; *Statuts and Ordains*, That in time coming all Summonds made use of for Interruptions of Prescription of Real-rights, shall pass upon a Bill under the Signet, and contain all the Grounds and Warrants upon which it Proceeds, and that the Summonds and Executions thereof, and all Instruments of Interruption be registrat in a particular Register, to be Appointed by the Lord Register, to be kept at *Edinburgh*, within sixty days after the date of the Execution & Instrument of Interruption, and that this Registration be made in the same manner, and with the same Formalities in all points as are ordained by former Acts in the case of Registration of Seafins and Inhibitions, and that this Register of Interruption be kept in Books a part, Declaring, that if the said Interruptions shall not be duly Registrat as above, the same shall be of no Force nor Effect for interrupting the Prescription of Real-rights, as to Purchasers, and Singular Successors; But prejudice to have the effect of an Interruption, as to the Persons against whom the same is execute, and Instrument taken; And allows the Keeper of the said Register to take payment for registrating such Summonds, Executions, and Instruments, the half of the Dues due for registrating of Hornings and Inhibitions: *And Declares* all Interruptions that shall be made *via facti*, for interrupting the Prescription of Real-rights, shall have no effect as to Purchasers and Singular Successors, unless an Instrument be taken thereupon, and Registrat in manner foresaid, but the said Interruptions *via facti*, shall only be effectual as to the Heretor and Possessor of the Ground, but no others. And His Majesty with Advice foresaid, Ordains all Summonds, with their Executions, or Instruments already raised, or taken for Interruption as said is, to be Registrat as above-prescribed, within a year after the date of this Act, under the same Certification as is above-exprest.

X X.

XX.

ACT anent Vitious Intrometters.

October 9. 1696.



OUR SOVERAIGN LORD Considering, That many times the nearest of Kin, and others doth intromet with the Movables of Persons deceast, without Confirmation, and imbazles the saids Movables, in defraud of lawful Creditors; And when they come to be pursued at the Instance of any of the Creditors, for being lyable to the Defuncts Debt, as Vitious Intrometters, they ordinarily defend themselves with this Pretence, that there is an executor Creditor confirmed before the Intenting of the Action; Whereas a Third Party Confirming Executor-Creditor in a particular Subject, ought not to free the Intrometter from the *Passive Title* of Vitious Intromission, when the Intrometter has no Right from the Executor-Creditor. *Therefore*, for obviating such Frauds in time-coming, His Majesty with Advice and Consent of the Estates of Parliament, *Statutes Ordains and Declares*, that the nearest of Kin, and others Intrometters with the Movables of any Defunct, who are not Executors confirmed to them, nor hath Right from the Executor-Creditor before his Intromission, are and shall be lyable as Vitious Intrometters, notwithstanding that there is a Third Party confirmed Executor in a particular Debt or Subject.

XXI.

ACT anent Aliments.

October 9. 1696.



OUR SOVERAIGN LORD Considering, that Actions for Aliment of their own Nature cannot abide delay, but ought to be discusst summarly: *Therefore* His Majesty with Advice and Consent of the Estates of Parliament, Doeth hereby Appoint the Lords of Session to discusst all Actions of Aliment to be intended before them summarly, without abiding the Course of the Roll; And likewise hereby Prohibite and Discharge the saids Lords to grant any Aliment to any Person upon Petition or Bill, notwithstanding there be a depending Proceß betwixt the Parties concerned, unless there be a
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lybelled Summonds raised and execute for that effect; Which Lybel after it is seen and returned, is to be discussed summarly as said is.

X X I I.

ACT for Expenses in Suspensions.

October 9. 1696.



OUR SOVERAIGN LORD, For Staying and Preventing the Abuse of Calumnious and Malitious Suspensions, specially of Decreets for clear and liquid Debts, and for Fines Decerned by Inferior Magistrats against Persons found Guilty of Profanity and Immorality, according to the Laws made against the same: Doeth therefore, with Advice and Consent of the Estates of Parliament, *Statute and Ordain*, That when any Suspension shall be Raised for hereafter, the Lords at the Discussing thereof, and Finding the Letters Orderly Proceeded, shall also Declare, whether the Suspension was Calumniously Raised or not; and if they shall find it to have been Calumniously Raised, then they shall likewise Decern for the whole Charges, Expenses and Damages, to be given up in a particular Accompt, and Deponed upon by the Charger, to have been lawfully Expended, and Sustained by him in Prosecuting and Discussing thereof, without any Ease or Defalcation. And farther, That if the Charger shall be found Calumnious or Malitious, that the Suspenders also have the same Justice.

X X I I I.

ACT anent the Levy of a Thousand Men.

October 9. 1696.



THE ESTATES OF PARLIAMENT Considering how Just and Necessary it is, That During the Continuance of this War, Recruits be Provided; And that by the Meeting of this Session of Parliament, the Act past in the last Session thereof for Levies and Recruits is Terminat, and that it is most reasonable that the Rules and Methods thereof for hereafter should be laid down in such a manner as may be most easie to His Majesties good Subjects, and most effectual for his Service. Therefore His Majesty, with Advice and Consent of the Estates of Parliament,

liament, *Statutes and Ordains*, That until the next Session of Parliament, and for the Service of this present War, and Recruiting of the Regiments, either at Home or Abroad, There shall be Furnished to His Majesty, the Number of One Thousand Men Yearly, when His Majesty shall Require them, to be Proportioned and Levied, conform to the Proportions contained in the Act of Parliament 1663, Entitled, *An Humble Tender to His Sacred Majesty of the Duty and Loyalty of His Ancient Kingdom of Scotland*, as to the Twenty Thousand Foot therein-mentioned; Which Thousand Men shall be Furnished and Levied in this Manner, *Viz.* That the Commissioners of Supply, for the respective Bounds, where the said Proportions shall fall, or any Five of them as the *Quorum*, hereby Appointed for this Effect, or the Sheriffs and their Deputs, or the Lords and Baillies of Regalities, or Stewarts and their Deputs, the Magistrats of Burghs, first design, and cause be given, the Idle, Loose, and Vagabond Persons, lyable by former Acts of Parliament, to be Seised by Sheriffs, to make up the foresaid Number, and the Remainder of the said Proportions to be put furth according to the former Rules in use for sub-dividing of the said Proportions within each Shire; And Heretors shall have Power, and are hereby Impowered, to design and make choice of such young fencible Men, living within their respective Bounds, and not having Wife or Children, and who earn their Living by Dayly Wages or Termly Hire, as shall satisfie for their part of the said Levy; Or otherways, the Tennents and fencible Men shall have their Option, to Offer and Pay down for each of the said Men that may fall to be put out by them as said is, the Sum of Twenty Four Pounds *Scots*, so that the District shall either deliver a good Man effectually, or Pay the said Twenty Four Pounds: And farder, the saids Heretors are hereby farder Impowered, to secure the Person or Persons designed or chosen as said is, as they shall see Cause. And for the Encouragment of the fore-said Persons, who shall be designed, and made choice of to be put furth in the said Levies, It is hereby farder *Statute and Ordained*, That each of them, shall before Delivery have Twenty Pounds *Scots* payed him in ready Money, by the Officer who receives him, at the sight of one of the saids Commissioners; as also, that their being put furth, and engaged as said is, shall not Oblige them longer to be, and continue Souldiers, than for the space of Three Years, and the First of *November* next, after the 11th of the said Three Years, from the time of their said Engagment: And the further Execution of this Act, for Raising of the foresaid Levies and Recruits, when Required by His Majesty, is Referred and Recommended to the Lords of His Majesties Privy Council, who are hereby fully Impowered for that effect. And His Majesty, with Advice foresaid, In Consideration of the afore-said Condescendance, for Furnishing of Levies and Recruits, Doth of new *Statute and Ordain*, That no Officer, either at Home or from Abroad, Offer to take on, or Pres any free Leidge to be a Souldier, unless the Man be taken on by Agreement, Owned by him in presence of the Judge of the Bounds; And if any Officer, shall Contraveen this Order, and Pres and Compell any Man, contrair to the Rule hereby Established, That it be reckoned Oppression, and the Trans-

gressor Punished by the Fine of a Months pay, and farder, by Imprisonment, or Breaking and Cashiering, as the saids Lords of Council shall think fit. And it is hereby farder *Statute and Ordained*, That all Officers Exactng Lodging, Coall and Candle *gratis*, for themselves, their Wives, or Children, shall Lose and Tine their Commission; and that all Souldiers Exactng Lodging, Coall and Candle *gratis*, for their Wives and Children, shall be lyable for the Parties Damage, to be payed by their Commanding Officers, at the sight and appointment of any Magistrat within Burgh, or other Judges to Landward; Certifying the Officer failzieing herein, that he shall be lyable in Three Months Pay, and farder Punished as the Lords of Council shall appoint, which Fines are also to be applyed for Reparation of the Parties in the first place, and the *Superplus* as the Council shall think fit.

X X I V.

ACT for the better Payment of the Creditors on Forfault Estates.

October 9. 1696.



OUR SOVERAIGN LORD, and Estates of Parliament Considering, That by reason of the Act of Parliament One Thousand Six Hundred and Ninety, Declaring Sentences and Dooms of Forfaulture not to be prejudicial to Vassals and lawful Creditors, in manner therein-exprest, It doth and may happen, that Creditors may not only over-charge with Expenses the said Forfault Estate, by Adjudication and other Diligences, but also Possess the same, for much longer time than is needful, both to their own and His Majesties Disadvantage,

because the saids Estates Forfault, cannot (as other Lands and Estates) be brought to a Roup and Sale for their Satisfaction: Therefore His Majesty, with Advice and Consent of the saids Estates of Parliament, *Statutes and Declares*, That for all Estates Forfault since the Year One Thousand Six Hundred & Eighty Eight, or that shall be Forfault for hereafter, it shall be leisume for His Majesty, or his Donator, to call the Creditors of the persons Forfaulted, before the Lords of Session, to the effect the saids Lords may appoint and set off to them such parts and portions as shall be found answerable for satisfaction of their Debts: Which parcels of Lands, the

the saids Lords of Session are hereby Impowered to Adjudge to the saids Creditors, and the saids Creditors ordained to accept of, in full Satisfaction of their respective Debts, to the effect that His Majesty and His Donator may have and enjoy any *Superplus* that shall remain of the saids Lands and Estates Forfault, free and disburdened in all time-coming, but prejudice always to the saids Creditors to possess conform to their saids Rights and Diligences, ay and while the said Allocation be made, as also to affect the Movables of their saids Debtors when Forfaulted as formerly.

X X V.

ACT anent Blank Bonds and Trusts.

October 9. 1696.



OUR SOVERAIGN LORD Considering, That the subscribing of Bonds, Assignations and Dispositions, and other Deeds blank in the Name of the Person in whose favours they are granted; Asalso, that the intrusting of persons without any Declaration, or Back-Bond of Trust in Writing from the Person intrusted, are Occasions of Fraud, as also of many Pleas and Contentions; Doeth therefore with Advice and Consent of the Estates of Parliament, *Statute and Ordain*, that for hereafter no

Bonds, Assignations, Dispositions, or other Deeds be subscribed Blank in the Person or Persons Name, in whose favours they are conceived, and that the foresaid Person or persons be either insert before, or at the subscribing, or at least in presence of the same Witnesses who are Witnesses to the subscribing before the Delivery. *Certifying*, that all Writs otherways subscribed and delivered Blank as said is, shall be Declared null; And farther, that no Action of Declarator of Trust shall be sustained as to any Deed of Trust made for hereafter, except upon a Declaration or Back-Bond of Trust lawfully subscribed by the person alledged to be the Trustee, and against whom, or his Heirs or Assignes the Declarator shall be intended, or unless the same be referred to the Oath of Party simplifier: *Declaring*, that this Act shall not extend to the Indorlation of Bills of Exchange, or the Notes of any trading Company.

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XXVI.

X X V I.

ACT for Settling of Schools.

October 9. 1696.



OUR SOVERAIGN LORD, Considering how prejudicial the want of Schools in many Places have been, and how beneficial the Establishing and Settling thereof in every Paroch will be to this Church and Kingdom; Therefore His Majesty with Advice and Consent of the Estates of Parliament, *Statute and Ordains*, that there be a School settled and established, and a School-master appointed in every Paroch, not already provided by Advice of the Heretors and Minister of the Paroch; And for that effect, that the Heretors in every Paroch meet, and provide a commodious House for a School, and settle and modify a Sallary to a School-master, which shall not be under One hundred Merks, nor above two hundred Merks, to be payed yearly at two Terms, *Whitsunday* and *Martinmas*, by equal portions, and that they stent and lay on the said Sallary conform to every Heretors valued Rent within the Paroch, allowing each Heretor Relief from his Tennents of the half of his Proportion, for Settling and Maintaining of a School, & payment of the School-masters Sallary; Which Sallarie is Declared to be by and attour the Casualties, which formerly belonged to the Readers and Clerks of the Kirk-Session: And if the Heretors, or major part of them shall not convene, or being convened, shall not agree among themselves; Then and in that case, the Presbytry shall apply to the Commissioners of the Supply of the Shire, who, or any five of them, shall have Power to establish a School, and settle and modify a Sallary for a School-master, not being under One hundred Merks, nor above two hundred Merks yearly as laid is, and to stent and lay on the sament upon the Heretors conform to their valued Rent, which shall be als valid and effectual as if it had been done by the Heretors themselves; And because the Proportion imposed upon every Heretor will be but small: Therefore, for the better and more ready payment thereof, It is *Statute and Ordained*, that if two Terms Proportions run in the Third unpaid, then these that so fail in payment, shall be lyable in the Double of their Proportions then resting, and in the Double of every Terms Proportion that shall be resting thereafter, ay and while the School-master be compleatly payed, and that without any Defalcation; And that Letters of Horning, and all other Executorials

ecutorials neccesar be directed at the Instance of the School-master, for payment of the said Stipend, and Double of the Proportions in manner foresaid; And discharges all Suspensions to pass against School-masters of the Sallaries, except upon Consignation, or a valid Discharge; And if any Suspension be past, that the Lords discuss the samen summarly, without abiding the Course of the Roll; And it is hereby Declared, that Liferenters during their Lifetime shall be lyable in payment of the Proportions imposed on the Lands liferented, and Execution in manner foresaid shall pass against them for that effect, and the Heretors shall be always free of the same during the Liferenters lifetime, and if any Person find themselves wronged by the unequality of the Proportions Imposed, it shall be lawful for them to seek Redress thereof before the Commissioners of Supplie, Sheriff of the Shire, or other Judge competent within the space of Year and Day after the imposing of the Stent, and no otherways: As also, it is Declared, that the providing of the said Schools and School-masters, is a Pious Use within the Paroch, to which it shall be lawful and leisume to Patronsto imploy the Vacant Stipends as they shall see cause, excepting from this Act the Bounds of the Synod of Argyle; In respect, that by a former Act of Parliament in the year one thousand six hundred and ninety, the Vacant Stipends within the said Bounds, are destined for the setting up and maintaining of Schools in manner therein-mentioned; And the said Vacant Stipends are hereby expressly appointed to be thereto applyed, at the sight of the Sheriff of the Bounds foresaid. And lastly, His Majesty with Advice and Consent foresaid, Ratifies and Approves all former Laws, Customs and Constitutions made for Establishing and Maintaining of Schools within the Kingdom, in so far as the same are not altered nor innovat by this present Act.

X X V I I.

ACT Approving the Proclamation of Council for Encouraging of the Import of Victual.

October 9. 1696.



HE Estates of Parliament Considering, that the Lords of His Majesties Privy Council, Did of late very seasonably allow by Proclamation, the free Import of Victual for Relief of the Country, and for Encouragement of the said Import, promise Twenty shilling per Boll, for all Victual that should be imported betwixt and the first of this Instant: Therefore His Majesty, with Advice and Consent of the saids Estates, Approves the foresaid Act of Council, as good Service to the Kingdom; And Declares, that

what His Majesties Thesaurie shall pay out of the Fonds already given in this Session of Parliament, in pursuance of the said Proclamation ought to be Refounded : But in regard it is not yet certain how much Victual hath been imported, and what may be due on that Account ; The Estates of Parliament do hereby Declare, they will provide for the Repayment of what shall be Instructed to be due, and payed on Account foresaid in the next Session of Parliament.

X X V I I I.

ACT anent Protestant Servants in Popish Families.

October 9. 1696.



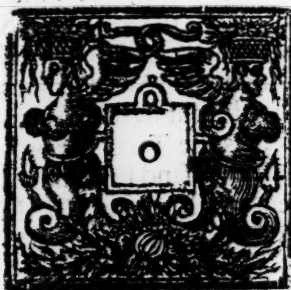
OUR SOVERAIGN LORD Considering, that several Servants Protestants going to serve in the Families and Houses of Papists, have there been perverted from the Truth of the *Protestant Religion*, to the Errors and Superstitions of Popery ; And how necessary it is that this Abuse be restrained in time coming : *Do therefore*, and for Remeid thereof, with Advice and Consent of the Estates of Parliament, *Statute and Ordain*, that whoever shall by Writing, Speaking, or otherways Debauch and Pervert any of His Majesties Protestant Subjects, to the Errors and Superstitions of Popery, shall be held, proceeded against, and punished as a Trafficking Papist ; And farder, That if any Servant being Protestant shall go to a Popish Family, and there be perverted and become Papist, the said Servant shall be proceeded against, and punished as an Apostat from the true *Protestant Religion*, conform to the Laws made thereanent, and the Master of the said Popish Family shall be obliged so soon as required, either by the Magistrat or Minister of the Bounds, to put the said Servant immediatly out of his House, Family and Service, and never to receive him again under the Pain of One hundred pounds *Scots*, to be payed the one half to the Informer, and the other to the Poor of the Paroch, in case of Transgression, and the foresaid Servant Apostatizeing as said is, is hereby declared incapable to serve, or be received for hereafter in any Popish Family ; And the Master of any Popish Family that shall happen to receive him, shall immediatly when required expel him out of his House and Family, under the Pain foresaid : And farder, it is hereby Statute, that all Popish Masters having protestant Servants, shall allow them freely to go and attend the Worship and Service of God on the Lords Day, and other Dyets of Worship and Catechiseing, without any Restraint, under the Pain foresaid, as oft as they shall happen to contraveen. And lastly, that all Protestant Servants serving in Popish Families, shall attend the foresaid Days

Days and Dyets of Worship and Catechiseing, under the Pain o being Banished furth of the Paroch; in case of Transgression.

X X I X.

*ACT for the better Providing the Poor, and Repres-
sing of Beggars.*

October 9. 1696.



OUR SOVERAIGN LORD With Advice and Consent of the Estates of Parliament, Ratifies, Approves, Renewes and Revives, all Acts of Parliament and Proclamations of Council, for Maintaining of the Poor, and Repressing of Beggars, and Ordains them to be put to full and vigorous Execution in all Points; and farther, Impowers and Authorizes the Lords of His Majesties Privy Council (if they shall think needful,) to grant an Commission to an certain number of Persons to be

Supervisors and Inspectors of the Poor, either in particular Shyres and Burghs, or over the Kingdom, and to make and emit such Acts and Constitutions, not inconsistent with the standing Laws, as shall be thought necessary for the more effectual Employing and Maintaining of the Poor, and Freeing the Country of Vagabonds and Idle Beggars; which Acts and Constitutions of the Lords of Privy Council, shall have the effect and force of Laws, and shall only continue until the next Session of Parliament. And the Estates of Parliament, Do humbly Recommend to His Majesty, to cause Visit all Hospitals, and their Rents and Revenues, with their Rights and Foundations, to the effect, that whatever Lands, Tenements, Teinds, or others belonging to Hospitals, and any way Misemployed, Impropriat, or Interverted, may be Restored, and the saids haill Lands, Tenements, Teinds, Rents and Revenues duely Applied, according to their Foundations : As also, to enquire after all Mortifications, to the effect they may be duely Applied, conform to the Will of the Mortifier.

X X X.

ACT Ratifying the Proclamation of the Council anent the Pole.

October 9. 1696.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Ratifies and Approves an Proclamation of Council for paying In the Pole-Money, dated the Thirteenth Day of *August* One thousand six hundred and ninety six years, In the hail Heads, Tenors and Contents thereof: And Ordains the famine to take effect, and to be put to full Execution in all points; and Prorogats the Term for producing of the Discharges to the First of *January* One thousand six hundred and ninety eight; Of which Proclamation the Tenor follows, WILLIAM by the Grace of GOD, King of Great-Britain, France and Ireland, Defender of the Faith: To

Macers of Our Privy Council, Messengers at Arms, Our Sheriffs in that part, conjunctly and severally, specially Constitute, Greeting: Forasmuch as the Pole-Money granted to Us by the Act of Parliament One thousand six hundred and ninety five, doth still for the greater part remain Unpayed, notwithstanding of all the Diligence that hitherto hath been used for Uplifting and Inbringing of the same: And it being unjust and unreasonable, that these equally bound, and who have not payed, should not pay as others have done: And because the Term of Martinmas next is appointed by the said Act of Parliament, to be the last Term for production of Discharges; Therefore, We with Advice and Consent of the Lords of privy Our Council, in prosecution of the said Act of Parliament, for the better Ingathering of what remains of the said Pole, and to take off all pretense of Exemption from such as have hitherto failzied to make due payment after the said Term of Martinmas next shall be come, and by-past: Do hereby Command and Charge all that have not already made payment of the Pole-Money due by them respective, to make payment of the same to the Collectors of their respective Paroches or Shyres, or others to be appointed for that effect, betwixt and the fifteenth day of October next to come; likeas, for their better encouragment, We have thought fit to discharge, and do hereby discharge all such as shall make payment of the Pole betwixt and the foresaid day, of the Doubles and Quadruples already by them incurred, and still resting unpaid; Certifying them withall, that if after so much forbearance on our part, and contumacy on their part, they shall of new failzie to make payment betwixt and the foresaid day, they shall incur the foresaid Doubles & Quadruples in manner set down in the Act of Parliament, sicklike as if the foresaid day had been the precise day of payment fixed by the said Act; which Doubles and Quadruples, shall (in case of failzie foresaid) be exacted with all rigour. And in regard the foresaid

said Clause in the Act of Parliament, declaring none to be holden to produce their Discharges or Receipts of the said Pole, after the said Term of Martinmas, was manifestly provided in favours and for releif of such as should make due payment, but no ways to exempt any who contemning the Diligence used against them, should failzie in payment as said is: Therefore it is farther hereby declared, that whosoever lyable to pay their Pole, shall not make due payment thereof betwixt and the foresaid day hereby appointed, shall be reckoned as a Contemner of Diligence, and still under the course thereof, and lyable to the same, notwithstanding of any pretence that may be made upon the foresaid Clause of the Act of Parliament, wherein such Failziers are no ways concerned; but prejudice always to all who have already made due payment, and who shall instruct the same, either by Receipts or the Collectors Books, or Oaths, of the benefit of the foresaid Clause, and their perpetual Liberation. OUR WILL IS HEREOF, and We Charge you strictly and Command, that incontinent these Our Letters seen, ye pass to the Mercat-Cross of Edinburgh, and to the Mercat-Crosses of the remanent Head-Burghs of the several Shires and Stewartries within this Kingdom, and there in Our Name and Authority, make Publication hereof, that none may pretend Ignorance. And We Ordain Our Solicitor to dispatch Copies hereof to the Sheriffs of the several Shires, and Stewarts of Stewarties, and their Deputs or Clerks, to be by them published at the Mercat-Crosses of the Head-Burghs upon Receipt thereof, and immediatly transmitted by them to the several Paroch-Churches within the respective Shires and Stewartries foresaid, to be published at the said Churches: And Ordains these Presents to be printed and published. Given under Our Signet at Edinburgh, the thirteenth day of August, and of Our Reign the eight Year 1696. Per Actum Dominorum Secreti Concilii. Sic subscribitur, Da. Moncreiff, Cls. Sti. Concilii.

X X X I.

ACT against Profaneness.

October 9. 1696.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Ratifies, Renewes and Revives all former Laws and Acts of Parliament made against Drunkenness, Sabbath-Breaking, Swearing, Fornication, Uncleaness, Mocking and Reproaching Religion, and the Exercises thereof, and generally all the Laws made against Profaneness, and Ordains the same to be put to full and vigorous Execution. And farther, Considering how much Profanity and Immorality do abound over all the Nation, to the dishonour of GOD, reproach of Religion,

and the discredit and weakning of the Government, notwithstanding of the many good Laws that have been made against Profaneness : *Therefore*, and for the better, more expedit and effectual Execution of the saids Laws: *Statutes and Ordains*, That in every Paroch, where either Sheriff, Sheriff-Deput, Lord of Regality, or Regality-Deput, or Baillies, or Baillie-Deputs, Stewarts, or Stewart-Deputs, or Magistrats of Burghs happen to reside, They shall and are hereby obliged and required to put the saids Laws against Profanity and Immorality to due and full Execution, at the instance of any person wharsoever, who shall Pursue the same ; Certifying them if they failzie therein, either by themselves or their Deputs to be by them Nominat for the said Paroch, the Lords of His Majesties Privy Council will Appoint and Nominat Baillies in that part, to Judge and Execute the Laws in their place : And as to such Paroches wherein none of the Magistrats foresaids having ordinary Jurisdiction do reside, His Majesty, with Advice and Consent foresaid, *Statutes and Ordains*, That in every such Paroch, the foresaids Persons having ordinary Jurisdiction over the same, shall Appoint Deputs for the said Paroches, with the Power and for the End foresaid, such as shall be named to them by the Heretors and Kirk-Session thereof, for that effect ; Certifying the foresaids Magistrats, that if they refuse to grant the said Deputations when required, they shall not only be lyable in the Sum of One Hundred Pounds, but that the Lords of Council will grant the saids Deputations by them refused. And His Majesty, with Consent foresaid, Discharges Advocations of the saids Processes against Profanity and Immorality, to be Intended before the saids Judges and Deputs, in the saids Paroches *simpliciter* ; and likewise all Suspensions of their Sentences, without Consignation, or liquidat Discharges. And farder *Ordains*, That in case of calumnious Suspending, the Lords of Session decern a third part more than is decerned for Expenses ; and Ordains the Fines to be instantly payed to the Paroch-Collectors for the Poor, or the Party to be Imprisoned, till sufficient Caution be found for payment of the saids Fines, or otherways to be examplarily punished in his Person in case of Inability to pay the Fine. And that no pretence of different Perswasion in matters of *Religion*, shall exeem the Delinquent from being Censured and Punished for such Immoralities, as by the Laws of this Kingdom are declared to be Punishable by Fineing. And lastly, *It is Declared*, That nothing in this Act shall hinder or impede all-ordinary Magistrats and Judges to exerce their Jurisdiction in the Premises as accords. And His Majesty and the said Estates of Parliament, Recommend to the Lords of privy Council, to take such farther effectual course as shall be found requisite for restraining and punishing of all sorts of Profanity and Wickedness, and for encouraging and rewarding of such as shall be employed in the Execution of the saids Laws, either out of the Fines that shall be uplifted for the foresaid Transgressions, or otherways as they shall think fit. And does hereby strictly Require and Command, all Persons to whom it doth, or may belong, to perform their Duties in the Premises punctually, as they will be Answerable.

X X X I I.

ACT anent the Aliment of poor Prisoners.

October 9. 1696.



OUR SOVERAIGN LORD Considering, That generally the Burghs of this Kingdom, Havers of Prisoners, are Troubled and Overcharged with Prisoners, Thrust into their Prisons, who have nothing to Maintain themselves, but must of necessity, either Starve, or be a Burden upon the Burgh : Doth therefore, and for Remeed thereof, with Advice and Consent of the Estates of Parliament, *Statute and Ordain*, That where any person is made, or shall be made Prisoner for an Civil Debt or Cause, and shall be found, or become so Poor, as that he cannot

Aliment himself ; Then and in that case, it shall be leasume to the Magistrat of the Burgh, where the Prison is, to which the said Prisoner is Committed, upon the Complaint of the said Prisoner, and his making Faith in their presence, that he hath not wherewith to Aliment himself, to Intimat the same to the Creditors, one or moe, at whose instance the said Prisoner was Committed, or is Detained, and to Require him, or them, either to provide and give Security for an Aliment to him, nor under Three Shilling *per Diem*, or else to consent to his Liberation ; which if the saids Creditors refuse, or delay to do, within the space of Ten Days thereafter, then it shall be leasume to the saids Magistrats, to set the said poor indigent Prisoner at Liberty, without any Hazard of being Lyable for the Debt & Cause of the Imprisonment, or to any other Censure whatsoever ; Providing always, that if any other Creditor, at whose instance he is made or detained Prisoner, give Surety to Aliment the said indigent Debitor, he shall still be kept Prisoner as before ; as also, that Prisoners for Criminal Causes, be in the same state as formerly.

X X X I I I.

*ACT against Killers of Black-Fish, and Destroyers
of the Fry and Smolts of Salmond.*

October 12. 1696.



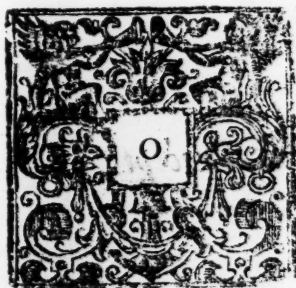
OUR SOVERAIGN LORD Considering the great Advantage that Redounds to this Kingdom by the Salmond-Fishing therein, and that the same is much prejudged by the Killing of Black-Fish and Kipper in forbidden Times, and by Destroying the Fry and Smolts of Salmond with Creils at Miln-Dams, and other Engines; For Remeed whereof, His Majesty, with Advice and Consent of the Estates of Parliament, Does Ratifie, Confirm and Approve the hail former Laws and Acts of Parliament made anent the Killing of Salmond, Kipper, and Black-Fish in forbidden Times, and the Killing and Destroying of the Fry and Smolts of Salmond; and hereby strictly Commands and Requires the severall Judges to whom the Execution of the foresaids Laws is committed, To execute the same with all Rigor, and to exact the Penalties allowed by Law, as they will be Answerable at their highest Perril; And in case any persons who shall be found guilty of the Contravention of any of the former Acts made against Killers of Kipper, or Black-Fish, or Destroyers of the Fry or Smolts of Salmond, shall not be able to pay the Pecunial Fines allowed by Law, that the Judge before whom the person so Guilty shall happen to be Convict, may punish the Delinquent Corporally, or by Banishment, as he shall think fit; Or otherways, if the Delinquent be found fit to serve in the Recruits, that he be delivered to any of the Officers of His Majesties Forces, for the use of His Majesties Service. And farder, His Majesty and Estates of Parliament, (for the more effectual Discovery of the persons Guilty of Killing of Kipper, or Black-Fish, and Destroying the Fry and Smolts of Salmond,) Do hereby Allow the half of the Fines to be Imposed by vertue of this, or former Acts, to be payed to any person who shall make discovery of the Delinquents. And in respect that the Salmond-Fishing within this Kingdom is much prejudged by the height of Miln-Dams, that are carried through the Rivers where Salmond are taken, His Majesty, with Consent of the Estates of Parliament, *Ordains* a constant Slop in the Mid-Stream of each Miln-Dam-Dyke, and if the Dyke besetled in severall Grains of the River, that there be a Slop in each Grain (except in such Rivers where Cruives are settled,) and that the

the said Slop be as big as conveniently can be allowed, providing always the said Slop prejudice not the going of the Milns situat upon any such Rivers. Likeas, His Majesty, with Consent foresaid, Discharges all Fishing at such Miln-Dam-Dykes, with Nets Stented, or otherways, or any other Engines whatsoever, under the Pains inflicted by this and former Acts against Killers of Black-Fish, and Destroyers of the Fry of Salmond.

XXXIV.

ACT Appointing Proclamations and other Legal Executions within the Stewartrie of Monteith, to be Published and Execute at the Mercat-Cross of Doun, in place of the Tapaltæ.

October 12. 1696.



OUR SOVERAIGN LORD Considering, that all Proclamations and Executions of Legal Diligences for the Stewartrie of *Monteith*, were formerly by ancient Custom proclaimed and execute at the *Tapaltæ* (commonly called *Tap-of-lata*) of *Doun*, being a Rising Spot of Ground within a privat Yard, and at a considerable distance from the Town of *Doun*, and there being not only Weekly-Mercats, and several yearly Fairs held at the said Town of *Doun*; But also an Mercat-Cross erected in the middle of the Town, most convenient for Publications, and all other Legal Executions. Therefore His Majesty with Advice and Consent of the Estates of Parliament, Statute, Ordain, and Declare, that for hereafter all publick Proclamations and Executions of all legal Diligences whatsoever, which by Law and Custom ought to be proclaimed, Used and Execute at the said *Tapaltæ* of *Doun*, shall be Proclaimed, Used and Execute at the said Mercat-Cross of *Doun*; Declaring hereby all Proclamations and other Legal Diligences that shall be otherways published or Execute, to be null and void, and that notwithstanding of any Law or Custom to the contrary, which are hereby Rescinded and Declared void, in so far as the same is contrair hereunto. And Ordains this present Act to be Published and Printed, that none may pretend Ignorance thereof.

XXXV.

ACT against Duells.

October 12. 1696.



OUR SOVERAIGN LORD with Advice and Consent of the Estates of Parliament *Statutes and Enacts*; That whosoever Principal or Second, or other interposed Person, gives a Challenge to Fight a Duell, or single Combat, or whosoever accepts the same, or whosoever either Principal or Second on either side engages therein, albeit no Fighting ensue, shall be punished by the pain of Banishment, and Escheat of Moveables, without prejudice to the Act already made against the Fighting of Duells; Which His Majesty with Consent foresaid hereby Ratifies and Confirms.

XXXVI.

ACT anent In-land-Bills and Precepts.

October 12. 1696.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, *Statutes, Enacts and Declares*, that the same Execution shall be competent, and proceed upon In-land-Bills, or Precepts, as is provided to pass upon Forraign Bills of Exchange, by the twentieth Act of the Third Parliament *King Charles Second*, Holden in *Anno 1681*: Which Act is hereby extended to Inland Bills and Precepts in all Points.

XXXVII.

XXXVII.

ACT anent the Measuring of Malt.

October 12. 1696.

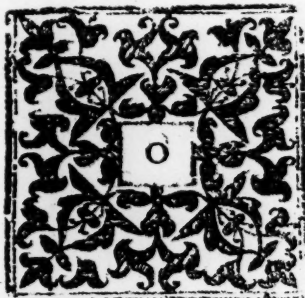


OUR SOVERAIGN LORD, with Advice of the Estates of Parliament, Considering the great Prejudice sustained by the Fraud & Abuses committed in the Making and Measuring of Malt; Do for Remeed thereof *Statute and Ordain*, that in time-coming all Malt that is Sold and Bought within this Kingdom shall be delivered with the Heap-Furlet, according to the Bear-Furlet of the Place where it is delivered; Certifying any of the Leidges who shall contraveen this Act, that they shall not only be esteemed Contraveeners of His Majesties Authority and Laws, but shall likeways be Amerciat both Buyers and Sellers in the Sum of Ten Pounds *Scots toties quoties*, over and above the Confiscation of such Malt as shall be so Sold, Bought or Delivered, to the first Informers, Requiring hereby all Magistrats, both in Burgh and Land, to see this Act put in due Execution, as they will be answerable; And Declares, that this Act shall stand in Force until the next Session of Parliament, and no longer.

XXXVIII.

ACT anent the Old Fourteen-Shilling-peices, and their Halfs.

October 12. 1696.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, for removing the Difficulty arising to Commerce, by the Deficiency of the Weight of the Old Fourteen, and Seven Shilling-pieces, the most part, if not all of them being worn by use and length of time, below the legal Standard of Coyn within this Kingdom; *Statutes, Ordains, and Enacts*, that all Old Fourteen-Shilling-Peices, weighing two Drops and twenty seven Grains, and their Halfs weighing proportionally,

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shall

shall be received at their present current Rate, in all Payments whatsoever ; As also, that all the other Old Fourteens, and their Halfs, under the said Weight, shall pass in all Payments at the Rate of Three Pound Four Shilling the Ounce, being a Groat for the Drop, and his Majesty with Consent foresaid, *Ordains* the saids Peices to pass, and be received at the Rate and Weight above appointed, under the Pain of the Double of what shall be refused, to be summarly exacted, at the Instance, and for the use of the Offerer by all Judges ordinary. And *Ordains* all the Inferior Species under the said Seven-shilling-Peices, to pass as formerly.

XXXIX.

*ACT anent Registration of Writs after the Granters
Decease.*

October 12. 1696.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, *Statutes* and *Declares*, that all Bonds Dispositions, Assignations, Contracts, and other Writs Registrable, may be Registrat after the Granters Death, sicklike, and in the same manner, and shall make as much Faith in Judgement, and outwith the same, as if the saids Writs were Registrat before the Granters decease, notwithstanding of whatsoever Laws or Customs in the contrair.

X L.

ACT Prorogating the Commission of Justiciary for the Highlands.

October 12. 1696.




OUR SOVERAIGN LORD Considering, That there being a part of the Time already past, for which the Earl of *Argile* as having Right to the Heretable-Justiciary-General, or any other Person having Right of Justiciary-General in the *Highlands*, were obliged to grant their Commissions to such Persons as His Majesty should be pleased to Name Commissioners of Justiciary for securing the Peace of the *Highlands*, conform to the Thirty Seventh Act of the Fifth Session of this current Parliament *anent the Justiciary in the Highlands*. And it being necessary that the saids Commissions be continued for some longer time : *Therefore*, His Majesty, with Advice and Consent of the Estates of Parliament, Prorogates the foresaid Provision of Granting the foresaid Commissions for the space of one Year after elapsing of the Three Years, contained in the said Act, and in the Terms and with the Reservations particularly set down therein. And farther *Statutes and Ordains*, That the Delinquents who shall be Pursued before the saids Commissioners, may be proceeded against by Indictment on a Citation of Six Days, and that the Commissioners, may after Hearing of all Defences, Advise the Relevancy of any Libel or Indictment insisted in before them, with close Doors, notwithstanding of any Act of Parliament already made in the contrair. And for the better Restraining and Repressing of Thefts and Depredations, It is *Statute and Ordained*, That the saids Commissioners, may in stead of the Pain of Death, to which Persons Guilty of these Crimes are lyable by Law, Inflict an Arbitrary Punishment, by Fines, Banishment, or other Corporal Pain, as they shall think fit.

X L I.

ACT Declaring Minors free from Personal Execution for Civil Causes during their Pupillarity.

October 12. 1696.

 **OUR SOVERAIGN LORD**, with Advice and Consent of the Estates of Parliament, *Statutes and Ordains*, that no Minor within the Years of Pupillarity be liable to Caption or Warding, for any Debt, or Civil Cause; But Declares all such Minors, in respect of their Nonage, and during their Pupillarity foreſaid, to be exempted and freed from the ſame.

X L I I.

ACT against false Coyning and Clipping of Money.

October 12. 1696.



OUR SOVERAIGN LORD Considering, that the Coyning of False Money, and the Clipping and Diminishing the current Coyne of this Kingdom, have of late been much more frequent than formerly, and ought to be ſeverly Punished; Therefore His Maſteſty with Advice and Conſent of the Eſtates of Parliament, not only Ratifies and Approves all former Laws and Acts of Parliament, againſt Coyners of falſe Money; But further *Statuts, Ordains* and *Declares*, That whoſoever for hereafter ſhall be guilty Art or Part of Coining falſe Mony, or of Clipping, Waſhing, Rounding, Razing, Fyling, or any other manner of way Diminiſhing or falſifying any of the proper Mony or Coin of this Kingdom, or allowed to be current within this Kingdom, or that hereafter at any time ſhall be the current Mony or Coin of this Nation, ſhall be puniſhed with the Pains of Death, and Confiſcation of Moveables.

XLIII.

ACT Discharging the making use of Salt in Brewing Ale or Beer.

October 12. 1696.



OUR SOVERAIGN LORD, for Removing and Preventing the Abuse committed by certain Brewers of Ale and Beer, and the bad Effects thereof; Doth with Advice and Consent of the Estates of Parliament, strictly Prohibite and Discharge the making use of Salt in Brewing or making of the saids Liquors, whether in Washing or Seasoning of their Vessels, or any other manner of way whatsoever, under the pain of Confiscation of the Brewing-Looms and Vessels, with all Liquors to be found therein, attour the los of his Freedom, if the Transgressor be a Burges, and the being incapable to use the Trade of Brewing in all time thereafter, whether he be Burges or not; And for discovery thereof, His Majesty with Consent foresaid, hereby *Ordains* the saids Looms and Liquors to be given to the Informer, who shall in that case be free from the said Penalty, albeit he have been employed as a Servant, or be Accomplise, or otherways accessory thereto, and the Contravention of this Act to be proven by the Parties Oath, or any other way *pro ut de jure*.

XLIV.

ACT for making Salt upon Salt.

October 12. 1696.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, *Statutes and Ordains*, That all Persons Undertaking the Making of Salt upon Salt, Shall have the Priviledge of Manufactories. *Providing* that this Act and Grant Import no farder Exemption of Forraign Salt from Customs, Excise, or other Dues, then was in Use of before.

X L V.

ACT Salvo Jure Cujuslibet.

October 12. 1696.



QUR SOVERAIGN LORD Taking to Consideration, That there are several Acts of Ratifications, and others Past and Made in this Session of Parliament, in favours of particular Persons, without Calling or Hearing of such as may be thereby Concerned or Prejudged: *Therefore* His Majesty, with Advice and Consent of the Estates of Parliament, *Statutes and Ordains*, That all such particular Acts, and Acts of Ratification, Past in manner foresaid, shall not Prejudge any Third Party of their Lawful Rights, nor of their Actions and Defences competent thereupon, before the Making of the saids particular Acts, and Acts of Ratifications: And that the *Lords of Session*, and all other Judges of this Kingdom, shall be Obligated to Judge betwixt Parties, according to their several Rights standing in their Persons, before the Making of the saids Acts; all which are hereby Exponed and Declared to have been Made *Salvo Jure Cujuslibet*.

X L V I.

ACT of Adjournment.

October 12. 1696.



THE KING'S MAJESTY Declares this Parliament current, and Adjourns the same to the Eighth Day of *December* next to come; Ordaining all Members of Parliament, Noblemen, Commissioners from Shires and Burghs, and all others having Interest, to Attend at *Edinburgh* that Day, at Ten a Clock; and that there be no new Elections in Shires or Burghs, except upon the Death of any of the present Commissioners.

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Protestations by some Noblemen and others, for their Precedency
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